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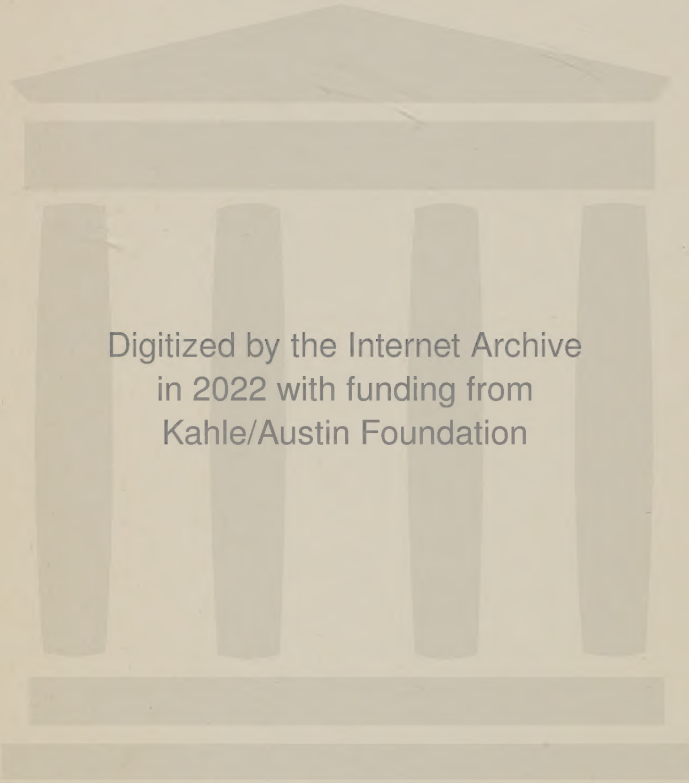
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SEIGNORIAL  
ADMINISTRATION IN  
ENGLAND



# Seignorial Administration in England

N. DENHOLM-YOUNG



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## PREFACE

THESE studies in the structure of seignorial administration in England, based upon an extensive use of MSS. sources, should be of some service to others who work in the field of sociological and administrative history. They will also be not without interest to the student of diplomatics. It will be seen that the period upon which stress is laid—the later thirteenth century—is one of great importance in this branch of study, and the results obtained will doubtless contribute to the building-up of a social background to more general surveys of medieval England. There is still room for a number of monographs on kindred topics, and such works are not only desirable but necessary if the subject of seignorial administration is ever to be viewed as a whole.

I am under obligations to many for encouragement and help in various stages of this work, particularly to Professor Jacob, who supervised the thesis out of which it has grown, and to Professor Powicke, for much friendly criticism and advice.

For brevity I have used the phrase 'Fortibus estates' to include all the lands in the possession of the Countess Isabella de Fortibus at any particular time. A purely numerical reference is to the collection of Ministers' Accounts in the Public Record Office.

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## ABBREVIATIONS

THE following are the chief abbreviations used in this book:

- C.Ch.R.* = Calendar of Charter Rolls.  
*C.Cl.R.* = Calendar of Close Rolls.  
*C.P.R.* = Calendar of Patent Rolls.  
*Cal. I.P.M.* = Calendar of Inquisitions Post Mortem.  
*Cl.R.* = Close Rolls.  
*D.N.B.* = Dictionary of National Biography.  
*E.H.R.* = English Historical Review.  
*Foedera* = Rymer's *Foedera* (&c.), Record Commission edition, 1816-19.  
*G.E.C.* = The Complete Peerage.  
*Misc. Inq.* = Calendar of Miscellaneous Inquisitions.  
*Mon. Ang.* = Monasticon Anglicanum.  
*N.E.D.* = New English Dictionary.  
*O.S.S.L.H.* = Oxford Studies in Social and Legal History.  
*P.Q.W.* = Placita de Quo Warranto.  
*R.H.* = Rotuli Hundredorum.  
*R.S.* = Rolls Series.  
*T.R.H.S.* = Transactions of the Royal Historical Society.  
*V.C.H.* = Victoria County History.  
*V.S.W.G.* = Vierteljahrsschrift für Sozial- und Wirtschaftsgeschichte.  
*Y.A.J.* = Yorkshire Archaeological Journal.
- A.R.* = Assize Roll.  
*C.R.R.* = Curia Regis Roll.  
*L.T.R.M.R.* = Lord Treasurer's Remembrancer's Memoranda Roll.  
*K.R.M.R.* = King's Remembrancer's Memoranda Roll.  
*Min. Acct.* = Ministers' Accounts.





## INTRODUCTION

I HAVE tried in this book to bring together the evidence for the administration of the households and estates of lay magnates chiefly in the thirteenth century, when it first comes into full view. Results have necessarily been based at many points upon *compotus* rolls, and even where this is not directly so their influence has coloured much of what I have written. I am not primarily concerned with the purely local history of estates, manorial economy or descents, though for these purposes the class of material here employed is often utilized, but rather with groups of manors and seignorial households and the relations between them. It is, however, difficult to fit an account-roll into its administrative framework without using genealogical and topographical detail, by the aid of which the names of persons and places at first sight colourless and without significance are illuminated and can be used to illustrate a general theme. I have not attempted to make any synthesis of the surviving ecclesiastical material, which is considerable in quantity. The study of thirteenth-century conditions has already suffered too much from reconstructions based upon material derived from ecclesiastical estates and applied thence to conditions elsewhere. The greater compactness of the larger monastic or episcopal units and the possibility in the former of continuity of administration makes it impossible to compare them with the more loosely knit and often transient administrative systems of the comital or baronial estates. For similar reasons there is little here of the palatinates. What I have tried to do has been merely to use the evidence for the actual working and interaction of the household and estate organization of some thirteenth-century secular potentates.

In another direction the scope of the book has been conditioned by the nature of the surviving material. Accounts of lay estates or households, with one or two exceptions, do not appear before the middle of the thirteenth century, but exist in great numbers after about 1270. The estates about which we are best informed are (i) those of Isabella de Fortibus, Countess of Devon and Aumale and Lady of the Isle of Wight. Their records form a magnificent and almost

complete series, covering the period of Isabella's widowhood, 1260-93;<sup>1</sup> (ii) those of Roger Bigod (d. 1306), fifth Earl of Norfolk and earl marshal.<sup>2</sup> Some rolls, but disappointingly few, also remain for the Clare estates at various dates, and those of the Lord Edward, son of Henry III, in 1256-7. The bulk of this evidence comes from that Special Collection in the Public Record Office known as Ministers' Accounts, and in discussing these I have tried to throw some light on various aspects of medieval accounting. It is one part of my purpose to show that in the thirteenth century 'every baron on his own property practised the method and enforced the discipline which he knew and shared in the king's court; he was a man of business at home, and *qualified in no small degree for the conduct of the business of the realm*'.<sup>3</sup> Stubbs is here writing of the fifteenth century, when the administration of baronial houses was 'the counterpart of the economy of the kingdom itself', but what he says is equally applicable to the thirteenth. We shall see a hierarchy of local officials aping every function, every formula, of the king's government; we shall hear of letters patent, letters close, writs and tallies, views and audits, private officials rendering account at private exchequers, private councils, the use of private juries, and public jurisdiction in private hands. In all these things the future civil servant is being trained. For the similarity of method in private and public administration made it possible for a man, in the thirteenth century, to pass from one sphere to the other, or even to busy himself with both at once. Those who administer seignorial households or estates are the men who become judges or sheriffs under the Crown. In their ranks are the bachelors, the men behind the Provisions of Westminster.

Private officials furnished no small proportion of the total civil service of the country, not only by their promotion from one sphere to the other, but because of the continuity which obtained when private lands came into the hands of the

<sup>1</sup> I have used the north-country accounts in 'The Yorkshire Estates of Isabella de Fortibus' (*Y.A.J.*, vol. xxxi, 1934, pp. 389-420).

<sup>2</sup> These have been used for other purposes by W. Rees in *South Wales and the March* (1924). The Forncett rolls were used by Miss Davenport in *The Economic Development of a Norfolk Manor* (Cambridge, 1906).

<sup>3</sup> *Const. Hist.*, 3rd. ed., iii. 557.

Crown. The training was good, because the greater franchises were exercised as an integral part of the king's government. Private coroners and private sheriffs rendered account for the profits of their office to their lords, but for the due performance of the king's business within the liberties they were responsible also to the sheriff and to the judges in eyre. This interlocking is well seen in the franchise, commonly granted in the mid-thirteenth century, of return of writs.<sup>1</sup> The king's commands were brought to the private hundred court by the sheriff's bailiff in eyre, executed by the bailiff, sheriff, or constable of the private hundred, and returned with an endorsement to the royal sheriff's office. When the hundred court, but not the return of writs, is in private hands we see this interlocking system at its clearest. In Devon, Thomas Silvester was described as the bailiff of the king, the Countess of Aumale, and Simon de Montague, for the hundred of Wonford. As a royal bailiff, with the duty of executing estreats and summonses of the exchequer, he accounted at Exeter Castle, and as a private bailiff, who held the hundred court and accounted for its profits, he was appointed by Isabella de Fortibus.<sup>2</sup> Public and private administration so dovetailed one into the other that a liberty might be confiscated and remain two years in the hands of the court without affecting the administration thereof by the private owner.<sup>3</sup> The interlocking of public and private control in the government of the country finds expression at Westminster in the prevalence of baronial vested interests in the exchequer.

The very men who are sometimes regarded as the most truly baronial, the lawless magnates of the Welsh marches, were the men whose system of administration corresponded most nearly to that of which the royal household was the centre.<sup>4</sup> It is there that the earl's writ replaces the king's writ, the earl's chancery the king's chancery, the earl's ex-

<sup>1</sup> On this *Miss Cam* has thrown much light. See also below, p. 88.

<sup>2</sup> *Min. Acct.* 837/39; *State Trials of Edward I.*, pp. 51-3; cp. *R.H.* i. 84.

<sup>3</sup> *T.A.F.*, xxxi. 415.

<sup>4</sup> *Acta Sanctorum*, Oct. 2, col. 563. The canonization process of Bishop Cantilupe contains a passing reference by Ralph de Hengham to Gilbert de Clare as a man feared even by the king, 'quia quicquid dictus comes assumebat contra regem vel alios obtinebat' (referring particularly to Lewes and Evesham).

chequer the king's exchequer. At no date can we legitimately assume in the baronage of England an ignorance of administrative problems. There was no difference in kind, but one only of degree, between the administrative problems which beset the barons and those of their king: as the Crown developed its organs of government so did the barons.

That there was 'livery and maintenance' in the thirteenth as well as in the fifteenth century is a fact that deserves wider recognition.<sup>1</sup> The 'livery' has for the most part been ignored, though the Edwardian cavalry was made up of small units each serving under a magnate and wearing his livery, as did his bailiffs and other officials.<sup>2</sup> The 'maintenance' was no less real because unchronicled by the graphic simplicity of Paston letters. But for those who will read between the lines of account rolls and see what it was customary to spend in bribes, or peruse the *State Trials*, there is no lack of evidence that a case could be maintained in the thirteenth as well as in the fifteenth century. One condition was lacking. The thirteenth-century royal official could not be overawed to the same extent as a Lancastrian judge, for he had at his back a government ready to remove all the judges in a day as Henry II had dispossessed all the sheriffs. The extent to which quarrels could be supported by the chancellor, or a favourable majority of the council, is obscure, but the great case between Isabella de Fortibus and her mother points to the council as a battle-ground for baronial factions,<sup>3</sup> for at one point the elder countess, Amice, had the case delayed until Henry of Almaine could be present. In quite another context it is related that 'one of the Council known to be an adherent of Isabella de Fortibus, shall have power to receive her attorneys'.<sup>4</sup> There was not much that was new in the great size<sup>5</sup> and complexity of the organization described by Stubbs in dealing with the baronage at the close of the

<sup>1</sup> Maintenance is attacked in Westm. i, cc. 25, 28.

<sup>2</sup> For the army see J. E. Morris, *Welsh Wars of Edward I*.

<sup>3</sup> One stage of this quarrel is printed in *Select Cases in the Exchequer of Pleas* (Selden Soc.), pp. 58-60. I have given a brief account of the whole affair in *Y.A.J.* xxxi. 410-13.

<sup>4</sup> *Cal. Chancery Warrants*, p. 37.

<sup>5</sup> The Black Book of Edward IV allows a baron a household of 26 persons, an earl 130, and a duke 230.



Middle Ages, but, apart from governmental weakness, the situation was not the same as it had been in the thirteenth century chiefly by reason of the changed methods of military recruitment and a protracted war, a considerable growth in money-incomes, and many differences in estate-organization. Hence the swollen households and private armies of the fifteenth century.

When accounts begin, about the middle of the century, they are already being drawn up according to a common form, and treatises are being written to show how this is best done and how courts are to be held. The system has already become professionalized: the growing class of *laici litterati* are slowly monopolizing the sphere of local government. Considerable technical knowledge is necessary for a steward or an auditor, and we shall see that Sir John Fitz John, one of Simon de Montfort's closest adherents, and Sir John la Warre, the leader of the Disinherited, could take their place at an itinerant exchequer side by side with monks or expert household officials. In Edward I's reign private administration is at its height. As in so many sides of medieval life, the thirteenth century sees the culminating point, succeeding ages the growth of a disproportion. If fourteenth-century households grow more elaborate and highly organized, the administration of estates and franchises loses much of its interest.

## SEIGNORIAL HOUSEHOLDS

IN dealing with seignorial households in the thirteenth century the palatinates and ecclesiastical households have for the most part been deliberately neglected. The object is only to bridge the gap between twelfth-century households, of which something is known from charter evidence,<sup>1</sup> and those of the fourteenth, known from their own account-rolls. This is done primarily from the administrative point of view. The aim has been to see how they were organized for business, and to trace the connexion between the itinerant households and the estates of the greater barons. The subject falls naturally into three divisions: households (Chapter I), local administration (II and III), and methods of account (IV).

For the thirteenth century there is little material. Few household rolls have survived, so that recourse must be had to deductions from information scattered up and down the local accounts of bailiffs and reeves. It is an aggravating fact that where manorial records exist there are usually no household rolls, and where some information about the central authority can be gleaned the local information is lacking.

It will be noticed that in this period the differentiation of function going on in the royal household is also at work in private households. In the twelfth century we expect steward, chamberlain, and constable as the three most important officials of an honour, as at Richmond.<sup>2</sup> In Edward I's reign the office of steward has split into two: the man who looks after the hall no longer manages the estates, and his importance diminishes. The office of chamberlain is also duplicated—if indeed it was not already so at an earlier date—but the chamberlain remains the chief financial official,<sup>3</sup> sometimes as wardrober, sometimes with the additional title of receiver, or receiver-general. There are signs that the wardrobe is becoming an office distinct from the chamber.

<sup>1</sup> Stenton, *The First Century of English Feudalism*, ch. ii.

<sup>2</sup> *Early Yorkshire Charters*, vol. iv, ed. C. T. Clay—Appendix on The Honorial Baronage of Richmond.

<sup>3</sup> Cf. the Valoines returns to the Inquest of Sheriffs (1170) in *The Red Book of the Exchequer*, vol. ii, App. A.

The constable, often hereditary, sinks in importance as public security grows. In the thirteenth century he is often no longer a knight, and as a mere bailiff he combines the custody of the castle with the financial and administrative work of the bailiwick. We are, furthermore, forced to the conclusion that in this period hereditary officials of all kinds, both public and private, play less part in administration than in the twelfth century.

A skeleton of the kind of system which may be expected in our period exists in an ordinance of 1284 for the household of the Eresby barony in Lincolnshire.<sup>1</sup> This, the organization of a single barony, shows the following responsible officers, whose names are given: (i) a steward of the household with two deputies, (ii) a wardrober, the chief auditor of the steward's account, (iii) a wardrober's deputy, or clerk of the offices, (iv) the chaplain, almoner, and secretary for writing letters, accountable to the wardrobe in the presence of the household steward when his lord was *hors del hostiel*. He also 'controlled' the household expenses in the absence of the wardrober. Every night the expenses were *abrevez* and four times a year were examined by the estates steward (*haut seneschal*) and the steward of the household (*seneschal del hostiel*), or others as the lord ordained. There are thus two stewards.<sup>2</sup> There is no receiver-general distinct from the wardrober, no chamber as a separate accounting-office, and, naturally, no chancellor. Including assistants there is a staff of twenty-five,<sup>3</sup> which would be swelled by the knights and esquires.

Two series of enrolments are contemplated, though the province of each is not defined. It is, however, almost certain that the wardrober received the profits of the Eresby estates and made all large payments therefrom, while the steward of the household supervised the daily expenditure in food, drink, and probably wages. Examples of each type

<sup>1</sup> Tout, *Chapters*, ii. 182-3. Extracts from the document itself are in Conway Davies, *Baronial Opposition to Edward II*, p. 569. For the estates see *Cal. I.P.M.* vi, no. 60.

<sup>2</sup> *Infra*, p. 67.

<sup>3</sup> Of lesser officials, with whom we are not concerned, there were 'a chief buyer, a marshal, two pantrymen and butlers, two cooks and larderers, a laundress, a saucer and a poulterer, two ushers and chandlers, a porter, a baker, a brewer and two farriers. Nearly all these officers had each his boy (or in the case of the women her girl) attendant, and when an office was duplicated, one of the holders was to remain in the household, and the other to follow the lord.'

of roll have survived for this period in other households. For the steward's side there are the accounts of the Countess of Leicester<sup>1</sup> and Bishop Swinfield, and for the wardrobe the accounts of Bogo de Clare, Henry de Lacy, and, later, Thomas of Lancaster.<sup>2</sup> In matters of administration the former kind are naturally of inferior value.

An attempt will now be made to discover what kind of organization existed in seignorial households at a period thirty years before the Eresby ordinance. The order will be thus: (i) the Lord Edward's household, (ii) the Fortibus, Bigod, and Clare households.

(i)

This may fairly be taken as a seignorial and not a royal matter,<sup>3</sup> for it was independent of the royal financial authority: it did not account (as the queen's household did) at the royal exchequer.<sup>4</sup> The estates from which it drew its resources were united in 1254, on the occasion of Edward's

<sup>1</sup> *Manners and Household Expenses*, Roxburghe Club, 1841.

<sup>2</sup> The household of Henry de Lacy, Earl of Lincoln, comes to light in 1295-6 and 1304-5. In this, interesting as one of the antecedents of the Lancastrian organization, the usual system of local receiverships (e.g. Lincoln's Inn in Holborn) and audit of accounts are known from 1295 but no household roll is extant before 1304-5, when a receiver of the household is found but no distinct wardrobe office (see J. F. Baldwin, 'The Household Administration of Henry de Lacy and Thomas of Lancaster', in *E.H.R.*, vol. xlii, 1927, pp. 180-200, working from Min. Acct., D. of L., 1/1-3). For other households an occasional roll has survived giving the expenses in food and drink from day to day, as for the Warenne household in 1287 (*Exch. Accts.* 505, 25-7). These have proved of little use.

<sup>3</sup> For some subsidiary royal wardrobes see Tout, *Chapters*, v, chap. xviii (Eleanor of Provence, wife of Henry III, and the Black Prince), and *ibid.* iii. 189-200 (for some lesser fourteenth-century households); Prof. H. Johnstone in *Bull. J. R. Lib.* vii. 384-420 and *Bull. Inst. Hist. Res.* ii. 37-45 (for the sons of Edward I); Tout, ii. 165-87 (for Edward II as heir-apparent); the present writer in *E.H.R.*, July 1933, p. 431 (for Edward of Windsor).

<sup>4</sup> The materials for this are only:

(i) P.R.O. Min. Acct., gen. ser., bundle 1094/11. 40-41 Hen. III = Michaelmas 1256-Michaelmas 1257. This is a single incomplete roll for manors and castles in England and Wales which accounted at Bristol. In its present state the roll gives the bailiwicks of Tickhill, Abergavenny, Tutbury, the Peak, Monmouth, and the Segrave and Cantilupe manors, but nothing of Chester, Ireland, Gascony, or Bristol itself. The receiver of Tutbury's account is missing.

(ii) A roll of Edward's letters patent when he was in Gascony, analysed by M. Bémont in *Rôles Gascons*.

(iii) The account of Robert Burnell and John of London of money received by them between 1270 and 1281, chiefly for the Crusade. These are on the Pipe Roll for 9 Edw. I.

Of these No. (i) is of great local interest. The military expenditure at Abergavenny



marriage with Eleanor of Castile, before which time he does not seem to have had an independent wardrobe. They consisted of Ireland (with certain reservations), Chester with the king's conquests in Wales, the Three Castles, Cardigan, Carmarthen, Builth, Montgomery; Jersey, Guernsey, and other islands (i.e. Lundy), and Gascony.<sup>1</sup> The specifically English lands were the honour of the Peak, Stamford and Grantham, the honour of Tickhill, and the manor of Freemantle in Hampshire. All these were granted in tail saving the lands of the church and 'so that they be never separated from the Crown'.<sup>2</sup> If they did not make up 15,000 marks a year the difference (later assessed at 3,000)<sup>3</sup> was to be made up in wardships.<sup>4</sup> These were the Ferrers, Cantilupe, and Segrave wardships, all granted in 1254-5,<sup>4</sup> to which, in the course of the next decade, a number of others were added. Edward was also given the New Forest for ten years.

There is no doubt, in spite of some suggestions to the contrary,<sup>5</sup> that this great appanage was in fact worth £10,000 a year.<sup>6</sup> But Edward, owing to his own extravagance and is given in considerable detail (it amounted to over £500) including the movement and payment of troops. The largest body mentioned comprised 35 knights and 700 foot. In this roll are what seem to be the earliest accounts (under Tutbury) for Liverpool and West Derby.

<sup>1</sup> The grant of Gascony is a good illustration of the necessity of livery of seisin in the thirteenth century, for the first grant was made in 1249 without ever becoming effective (*C. Ch. R.* i. 349, &c.).

<sup>2</sup> *Foedera*, i. 296-7; *C.P.R.* (1247-58), pp. 310, 365; *R.G.*, nos. 2374, 3826.

<sup>3</sup> *Foedera*, i. 305. Cf. *R.G.*, no. 3869, *C.P.R.* (1247-58), p. 314.

<sup>4</sup> *C.P.R.*, pp. 286, 387, 420; *C.R.* (1254-6), p. 255; *R.G.*, nos. 2515, 2519, 3488; *Cal. I.P.M.* Hen. III, nos. 318, 340, 334.

<sup>5</sup> Ramsay (*Revenues*, i. 263, 321, 359) is misleading on the nature of Edward's 'allowance', and suggests that it was not fully paid.

<sup>6</sup> Made up as follows:

	£
*TICKHILL (including Stamford and Grantham) . . . . .	600
*ABERGAVERN (including the Three Castles) . . . . .	500
*TUTBURY . . . . .	1,500
*THE PEAK (could be farmed for £300) . . . . .	300
*MONMOUTH . . . . .	200
*SEGRAVE AND CANTILUPE lands . . . . .	600
BRISTOL (the town farmed for 1,000 marks, <i>C.P.R.</i> , pp. 133, 201) . . . . .	650
CHESTER (farmed for 700 marks. <i>Ibid.</i> 182) . . . . .	450
IRELAND (Ramsay, <i>Revenues</i> , ii. 86) . . . . .	3,000
	<hr/> £7,800

This represents an estimate (based, where marked with an asterisk, directly or indirectly on the account roll) of the cash available after paying normal local charges, in 1256-7. It does not include Gascony.

his commitments in Gascony and Wales, was constantly in debt. In 1255 he raised at least £5,000, in 1257 £4,000 by selling the Ferrers wardship, and thereafter rather smaller sums. In 1262 he was granted the Jewry for three years, and farmed it for £2,000 a year. His finances after the civil war are of much interest, as he was given control over the foreign merchants in England. From this time onwards his expenditure, enormously increased by the Crusade, mounted rapidly. The enterprise was financed by advances from St. Louis, the Italian merchants, and Richard of Cornwall, which were paid off by the profits of one-twentieth and other sums granted by the Crown. Before the end of Henry III's reign the government was so embarrassed that the council provided that the debts of Edward and of the king should be met out of wardships and escheats as they fell in, and that these were not to be diverted to other uses, except £120 a year for the king's own use.<sup>1</sup>

The administrative system which lay behind this can only be seen imperfectly. For the first year or two Edward had not full control over his estates. In Ireland and Gascony he was subject to constant criticism, and even in England his steward was appointed by the king, queen, and council.<sup>2</sup> This was Geoffrey de Langley, who had already been a justice of the Forest south of Trent.<sup>3</sup> After his time the succession of stewards and their competence is uncertain.<sup>4</sup>

So far as the estates are concerned the grouping of manors into bailiwicks, and the distribution of the surplus cash of these between local receiverships, Edward's exchequer for his English lands at Bristol, and his wardrobe, is what might be expected. Payments to the wardrobe are warranted by writ,<sup>5</sup> and those to the Bristol exchequer by tallies. From Bristol the money could be drawn by Edward's writs of *liberate*, as is seen in the roll of his letter patent. The lack of administrative detail is partly due, no doubt, to the nature of the one

<sup>1</sup> C.P.R. (1266-72), p. 574.

<sup>2</sup> *Ann. Burt.*, p. 445. Further, *Cl.R.* (1254-6), pp. 14, 29, 162.

<sup>3</sup> *E.H.R.* xviii. 114.

<sup>4</sup> The following occur: William de Chauncy, 1256-7 (*K.R.M.R.* 30, cited by Tout, vi. 116), Roger de Leyburn, 1260 (*R.G.*, no. 4486), Thomas de Boulton, 1267 (*C.P.R.* (1266-72), pp. 30-1).

<sup>5</sup> A number of payments are disallowed because not warranted by writ.



surviving account-roll, which does not consist of the accounts as rendered but of more summary versions compiled at the audit by some agent of the central office.<sup>1</sup>

There were four local exchequers—Bordeaux, Bristol, Chester, and Dublin. Bristol appears as the receipt for all the lands in England, under a steward and two receivers or treasurers, one of whom was also constable. The steward from 1254 was Geoffrey de Langley,<sup>2</sup> the receivers, after 1 January 1255, Simon Talbot and Elyas de Cumbe.<sup>3</sup> Writs of *liberate* were addressed to the latter, or, if large sums were involved, to the steward and receivers. Their duties, though chiefly financial, were not entirely so, for they were sometimes responsible for sending provisions to Gascony.<sup>4</sup> When Edward's tailor bought cloth from Florentine merchants in Paris the steward and receivers were ordered to pay the money to the firm of Deutatus at St. Botolph's fair.<sup>5</sup>

The audit, following the royal practice rather than that of baronial households, was not itinerant. It took place at Bristol for all the English estates, as may be seen from the heading of the roll:

Compotus ballivorum domini Edwardi illustris regis Anglie primogeniti auditus ad scaccarium Bristoll' coram dominis Ricardo abbate de Kingeswode, Galfrido de Cauz et Elia de Cumbe thesaurariis, et Thoma de Boultone clerico, de exitibus terrarum dicti domini E. anno regni regis predicti xlvimo.

This is of interest as the only audited English account of Edward before he became king. There are four auditors: the Abbot of Kingswood, the two receivers or treasurers of Bristol, and the confidential clerk, who probably wrote the roll. A number of the accounts which came before them are views, not audits of account, though there is no evidence to show how the view was taken. The organization at Bristol necessitated a *custos rotulorum*, who in 1271-2 was Adam of Winchester.<sup>6</sup>

<sup>1</sup> The variety in the headings of the various sections shows that the scribe is reproducing the divergent practice of numerous accountants. <sup>2</sup> R.G., no. 4422.

<sup>3</sup> Ibid., no. 4342-4, 4427, 4429, 4436. By 1257 Simon Talbot had been replaced by Geoffrey de Cauz, who is constable on 19 July 1256 (Cl.R. 1254-6, p. 336).

<sup>4</sup> R.G., no. 4489.

<sup>5</sup> Ibid., no. 4486.

<sup>6</sup> Pipe Roll 9 Edw. I. He was paid £17 10s. for the two years.

Behind this estates' organization was the itinerant household. There is no trace of a chamber, but the wardrobe was prominent from the beginning. It was probably normal to have two wardrobers, the senior being sometimes styled treasurer or even steward, while the lesser one looked after the great wardrobe side. This could be paralleled in other baronial households and at any rate covers the few facts that have survived of Edward's early arrangements. The succession of wardrobers, so far as it can be made out, is given in the Appendix.<sup>1</sup>

In 1272, 'for the first time in our history, the organized household of the heir-apparent became the household of the monarch without the least breach in continuity'.<sup>2</sup> Burnell, who was in Edward's service from at least 8 to 10 November 1260,<sup>3</sup> became chancellor at some time after 1262 and before an uncertain date between 1269 and 1272.<sup>4</sup> He was junior to John le Breton and Ralph le Donjon,<sup>5</sup> but quickly became more important.<sup>6</sup> His real importance began when Edward went on Crusade and he was left in charge of his master's finances in England. In 1281 he rendered an account for £10,000 which had passed through his hands since 1270.<sup>7</sup> Most of it deals with the period of the Crusade and represents some of the money drawn from the Jewry, the 'new aid', Richard of Cornwall's loans, Llewelyn's fine, the sale of plate, and of wine from Gascony, profits of English estates, and so on. From these sources Burnell sent money to Edward at Acre, by the merchants of Lucca and the Hospitallers in France.<sup>8</sup> Throughout the period of the Crusade

<sup>1</sup> App. IV.

<sup>2</sup> Tout, *Chapters*, ii, p. 6.

<sup>3</sup> *C.P.R.* (1258-66), p. 126. William of Windsor and Nicholas de la Legh are also mentioned in 1260, and (Wykes, 162) Thomas de Clare in 1265. For other references to Burnell see the *C.P.R.* indexes. Thomas de Clare was an ambassador to Gascony 'anno lvi quando credebatur quod Rex Francie inpu gnasset Vasconiam' (Burnell's account).

<sup>4</sup> A charter cited and misdated (cf. *infra*, p. 28) by Baldwin, *King's Council*, p. 72, gives this, thus supporting Tout's statement 'I cannot find that he is called chancellor, but he acted as such' (ii. 2, n. 6).

<sup>5</sup> *C.P.R.* (1266-72), p. 733.

<sup>6</sup> As chancellor he succeeded Michael de Fienes, who received the seal on 22 August 1255 (*R.G.*, no. 4535) and who was still acting 5 May 1256 (*Reg. Inn. IV*, no. 1308). Raon de Vivonia occurs in 1262 (*C.P.R.* (1272-81), p. 131).

<sup>7</sup> *P.R.O.*, Pipe Roll no. 125 (3), 9 Edw. I.

<sup>8</sup> In the end he claimed £600 for expenses, 1270-3, and was owed £30 which was allowed to his executors in 15 Edw. II.

many of Edward's household expenses were accounted for by John of London, who, at least while he was in England, was subordinate to Burnell.<sup>1</sup> Of his council we only hear quite incidentally in 1259-60.<sup>2</sup>

## (ii)

It is not surprising to find that other baronial households reproduce some of the features just mentioned. The most characteristic feature of these thirteenth-century organizations seems to be the prevalence of two financial officials, after the fashion of the chamberlains of the royal exchequer.<sup>3</sup> There is, however, some diversity of terminology, for the chamberlains are frequently styled wardrobers, and one of them is usually a treasurer, or receiver-general, as well. Sometimes he is also steward of the household. There is sufficient evidence to make it clear that the two wardrobers are not men of equal authority. The one who is treasurer, receiver-general, or household steward is the senior, the man who receives most of the surplus cash from the estates, and the other (who in the absence of a chancellor may also keep the seal)—once termed a 'foreign wardrober'—receives only comparatively trivial sums.<sup>4</sup> We may guess that he would

<sup>1</sup> His account follows Burnell's and runs for the same period. Some of his *mise* are 'by view and testimony of R. B.' or 'by order of R. B.' He started as keeper of Eleanor of Provence's wardrobe (*R.G.* i, *Supplément*, p. 39). He had been in Edward's service from an early date (*C.P.R.* (1247-58), p. 476; *R.G.*, no. 4544), and received £20 a year for four years abroad with Edward.

<sup>2</sup> *Chester County Court Rolls* (Chetham Soc.), pp. xi, 1, 3.

<sup>3</sup> For joint-wardrobers in Edmund of Cornwall's household see *Min. Acct.* 827/38. This beautifully written single membrane of an undated account of the steward, Hamo de Karleton, rendered at Berkhamstead, includes the payment of £167 16s. 4d. 'Roger de Drayton et socio suo in garderoba comitis per duas tallias'. Roger of Drayton, described as Treasurer, was murdered in London in 1292 (*Flor. Hist.* iii. 84; *Ann. Lond.*, p. 100). Most of the Cornwall accounts are, however, after 1300.

<sup>4</sup> In the Clare household the 'foreign wardrober', Sir Richard de Loughborough, receives only £71 while his colleague Sir John de Bruges in the same year (1273-4) receives the bulk of the profits of the honour of Clare, to the amount of £729 18s. 2d. (*Min. Acct.* 1109/12, analysed below, p. 41). For the bachelors of this household see Jacob, *O.S.S.L.H.* viii, pp. 127-30. Sir Richard may be the man who acted as attorney for Hugh le Despenser, and who was lord of Loughborough, co. Leics. (*C.P.R.* (1281-92), pp. 158, 267; (1292-1300), pp. 73, 170; Nicholl's *Leicestershire*, iii. 885). He is probably the Sir Richard de Louthembourg, described as one of John of Brabant's Flemish attendants in *Camden Miscellany*, vol. ii (1853), pp. x, 9, 12. Cf. *infra*, p. 140, n. 3.

be in charge of the great wardrobe side of the household. Some such distinction is apparent in the Lord Edward's household in the accounts of Burnell and John of London.

But though we find estates' stewards and wardrobers everywhere, this does not mean that they are always of the same relative importance. Before dealing with any examples of household officials it will be as well to point out the contrast between two systems. For the household and lands of Isabella de Fortibus the normal arrangement (superseded while Adam de Stratton was in power) was to have an estates' steward who supervised the whole working of local administration. He audits local accounts, presides over the greater meetings of the local courts. He is also the receiver of a high proportion of the profits of the demesne manors. At the same time there is a receiver-general or steward of the household or wardrober, and a lesser chamberlain or wardrober. On the Bigod and Lacy estates there is no one official with so much power as the Fortibus steward. The central organization is more complex and includes a number of clerks who each receive a portion of the profits of the demesne manors, and who are sent round to audit the accounts thereof. The local administration is in the care of a number of stewards, not one, who play no part in the audit of accounts and do not act as receivers.

There are no rolls for the Bigod and Fortibus households. They are known primarily from incidental notices in local accounts, and, in the latter case, by the attestations of a few charters.<sup>1</sup> It is therefore difficult to be precise about the functions of the wardrobe and chamber: indeed, it seems probable that a clear distinction had not yet been evolved. The two terms appear in the Fortibus manorial accounts as interchangeable: a man is described in the same year as

<sup>1</sup> Of the 36 extant charters of Isabella 12 have been printed and 21 are in manuscript or transcript in the Bodleian Library, the Record Office, or the British Museum. They are written in a variety of hands and styles, and may therefore have emanated from the grantees. They show the highly localized nature of the group of witnesses, but there is always a nucleus of officials. A well-known and useful feature of these groups is that the names show a rough attempt at an order of seniority. In this way the rise in status of certain witnesses can be traced through a series of deeds. The preponderance of Hampshire and Isle of Wight charters, and a constantly recurring group of Hampshire officials, show where the administrative centre of the estates and the real interests of the countess lay.



chamberlain and keeper of the wardrobe. Further, Adam Payn, who was from 1273 to 1280 the receiver-general, and William de Radston, who held the same post from 1281 to 1290, are both described as chamberlains, though more usually as receivers.<sup>1</sup> To add a final touch of complexity, the receiver-general who preceded Adam Payn is once or twice styled steward of the household. The immediate, and at first sight the only, inference to be drawn is that the household organization was rudimentary: that there was no clear division between the functions of receivers, chamberlains, wardrobers, and stewards. The *senescallus hospicii*, who accounts for the expenses of the household, is naturally styled a receiver, except where, through unusual circumstances as in Holderness after 1261, there was a local official who undertook some of his functions.<sup>2</sup> However, from the collection of instances, we can trace two concurrent series of chamberlains or wardrobers, the first series being stewards of the household and sometimes receivers-general, the second being the lesser chamberlains—the nucleus of an administration by two heads of departments, one dealing with finance, the other the head of the secretariat. A brief account of these men will illustrate some of the generalizations already made.

In the early years of her long widowhood (1260–93) Isabella's household steward did not act as receiver-general. The estates from which money was received between 1260 and 1262 were only in Cockermouth, Holderness, Radston, Borley, Clopton, and Naseby,<sup>3</sup> and the sheriff of Holderness was practically in the position of a receiver-general.<sup>4</sup> The

<sup>1</sup> The office of receiver-general, bursar, or treasurer became common in monasteries in the course of the thirteenth century, when its institution was encouraged by Peckham as a salutary reform. See R. H. Snape, *English Monastic Finances* (1926), pp. 37, 40.

<sup>2</sup> The receivers are not always so styled, but large payments to the same man from a number of manors usually reveal who is in office. It is possible that one of the early receivers was Thomas Makerel, whose *scriptor* is mentioned in 1264 (Min. Acct. 949/3). He was an important member of the household, entrusted with large sums of money (in 1262–3) and rewarded with the rectory of Naseby in 1262 (*Gravesend's Register*, Cant. and York. Soc., p. 101) where he is found, probably in retirement, from August 1268 to May 1269 (Min. Acct. 949/4). A Thomas Makerel attested a charter of Richard de Clare in 1249, B.M. Stowe MS. 925, fol. 140.

<sup>3</sup> See further *T.A.J.*, loc. cit., p. 390.

<sup>4</sup> Cf. *infra*, p. 46 ff.

whole income for these estates was paid to and disbursed by him. The steward of the household received from him only the sums necessary for the immediate expenses of the *familia*, which between 1260 and 1262 was in residence at Burstwick for long periods. But when on the death of her brother in 1262 Isabella inherited the earldom of Devon and the lordship of the Isle of Wight, the estates to be managed were doubled. The existing Redvers organization for Devon and the Island at Carisbrooke was taken over, and this superseded the receipt at Burstwick in Holderness. It is remarkable that, so far as is known, none of the household officials are traceable to the late Earl William of Aumale's household or estates, though many of them had obvious connexion with Devon or the Isle of Wight. The same is true of the witnesses to charters, which, as on other estates, are invariably composed of a few officials and the local gentry.

Isabella's household receivers are clerks who make sporadic appearances as auditors of local accounts, but do not become bailiffs or constables. The first known, Walter de Rumbridge (1267), became deputy chamberlain of the exchequer—an office which Isabella held in fee—in 1269. Of their work as stewards of the household only a few stray facts emerge (during the time of Robert Makerel, 1268–71), such as payments for the expenses of the household remaining at Carisbrooke whilst the countess was elsewhere, *de quibus Robertus Makerel respondit*, or entries that the dovecote yielded nothing this year because the keys were in his hands during Isabella's stay.<sup>1</sup> In 1270 and 1271 Robert Makerel received considerable sums of money, but after 1271 nothing seems to have passed through his hands.<sup>2</sup>

Henceforth the style 'steward' of the household does not occur, but the office was evidently doubled with that of receiver-general. From 1272 to 1280 the receiver was Adam Payn, who was still alive four years after he had ceased to

<sup>1</sup> Makerel is called *senescallus domus* in Min. Acct. 984/2 and *senescallus hospicii* in 984/3, but these are the only two instances of the use of either phrase in the whole series of accounts.

<sup>2</sup> He had not ceased to belong to the household, for he attested one of Isabella's charters at London in 1274 and another at Carisbrooke in 1282. In 1276 he audited the accounts of her manor of Whitchurch in Oxfordshire, and his room in Carisbrooke Castle is mentioned ten years later.



hold this position.<sup>1</sup> In 1277 there is an entry that he will vouch for certain payments of grain made to him *in expensis hospicii*, and he was the authority quoted for various purchases of food for the year before.<sup>2</sup> He was therefore, for at least a part of his term of office, fulfilling the functions of a steward.<sup>3</sup> During the period September 1279 to September 1280 the bigger receipts were dealt with by one Philip de Perham. A peculiar feature of his short receivership is that he appears never to act upon his own initiative. He is never quoted as the authority for a payment and tallies are never made out for the sums delivered. The mode of delivery was usually 'per manus mercatorum de Luk' [Lucca] per litteras Ade de Stratton'. And when payments to Perham cease the big sums go more directly to Adam de Stratton, again 'per manus mercatorum de Luk' per litteras eiusdem Ade'. This interesting procedure suggests that Adam had the authority of a steward of the household from 1280 to 1286, that for the first two years Perham was working under him as receiver, and further that for the next four Adam was both receiver and steward.<sup>4</sup>

The next was William de Radston (1281-90), who also acted as steward in 1284. The last was Henry de Lisle.<sup>5</sup> At that time the stewardship was held separately by Richard de Asseton, who had a long and varied career. As steward to Baldwin de Redvers, Earl of Devon, in 1262<sup>6</sup> he had also been one of his executors, with the dowager Countess Amice

<sup>1</sup> Min. Acct. 984/10: a gift of one stag to Adam Payn.

<sup>2</sup> Min. Acct. 984/6, 7. The three later receivers—Perham, Radstone, and de Lisle—came into office in the middle or more probably towards the end of the financial year. On the analogy of the Countess of Leicester's household and the Abingdon Abbey accounts it seems probable that this is not coincidence. The financial year of the household may have run from Midsummer to Midsummer. Cf. *infra*, p. 137.

<sup>3</sup> In connexion with what is said elsewhere of Villein Receivers it may be remarked that families of Payn and Makerel held villein tenements in Yarmouth (Brit. Mus. Add. MSS. 6166, pp. 181, 187). Both these men, Robert and Adam, were clerks, and Adam was *Magister*. But there was also a more important family of Makerels at Selborne and they attest Southampton Charters (see *Selborne Charters*, Hants Rec. Soc., vol. i, Index, s.v. Makerel).

<sup>4</sup> For Adam's career see below, pp. 77 ff.

<sup>5</sup> In Min. Acct. 949/5 the name is spelt Henry del Idle, but this is a recognized Anglo-Norman peculiarity (J. Vising, *Anglo-Norman*, p. 29), and the style *Receptor* proves the identity.

<sup>6</sup> Exchequer of Pleas, plea roll no. 13, m. 13 d.

and Adam de Stratton.<sup>1</sup> In 1291 he was sheriff of Hampshire, and in 1297 was in charge of the military preparations, the embarkation of troops, the confiscation of property from alien priories, and many other things which had to be supervised in the island on account of the war in Gascony. His long service procured for him frequent marks of appreciation from the countess.<sup>2</sup> That he was high in favour with Isabella may be seen from the fact that he and Sir Henry Trenchard are the only two men whose services were to remain to the countess out of all her vast estates in the proposed surrender of these to the Crown in 1276.<sup>3</sup> And though we may not judge a man's income by his debts, a man not accounted moderately rich could not have become indebted to the Prior of Carisbrooke in 500 marks.<sup>4</sup>

The first of the lesser chamberlains was Robert Hildyard, a rare instance of the combination in a single career of local office and a position in the household. In May 1267 he left the bailiwick or constableness of Skipton: in June 1270 he became sheriff of Holderness for the rest of his life, beginning his account with a note of his arrears as wardrobe. His period of household office was thus between 1267 and 1270. He was succeeded by Robert Ragolf, who in 1272 acknowledged that he had lost Isabella's great seal in West Cheap.<sup>5</sup> Proclamation was therefore made in the courts of Exchequer, Chancery, and in the Great Hall, that any deed sealed with this seal should be void. After 1272 Ragolf appears but little in the accounts, but the loss of the seal did not injure his career, for in 1274 he appears as an auditor. After Ragolf's day the lesser chamberlainship is lost to sight, though it cannot have ceased to exist.<sup>6</sup>

The secretarial work cannot have been light, for though the number of charters now known to exist is not above three dozen, the number of letters patent and close and writs

<sup>1</sup> K.R.M.R. 42, m. 13d., Exchequer of Pleas, plea roll no. 1d., m. 10.

<sup>2</sup> Min. Acct. 984/11 Thorley. Gift of thirty quarters of grain and a stag in 1288.

<sup>3</sup> See *E.H.R.* (1929), p. 433.

<sup>4</sup> *C.Cl.R.* (1279-88), p. 49.

<sup>5</sup> K.R.M.R. no. 48. Recog. Trin. Term, 1 Edw. I.

<sup>6</sup> Min. Acct. 984/2 (Bowcumbe) contains the entry 'liberata Philippo camerario precepto domini G[alfridi] Russel ad opus comitisse, 6s.', but unless this is the later Philip de Perham, he is not elsewhere mentioned.

mentioned in the accounts is formidable. There was an unceasing flow of correspondence with stewards, auditors, bailiffs, royal officials, and friends,<sup>1</sup> but in the Fortibus household there is no information about the staff who conducted it.

For the Bigod, as for the Fortibus, household there are no account-rolls. The earl's receivers were no doubt the most responsible officials, but little light is thrown upon their work in manorial accounts. They are constantly mentioned, but only as recipients of sums of money. Between 1278 and 1300 there were five of them.<sup>2</sup> Four never appear in any other capacity, though each is occasionally styled *clericus de camera*. The fifth<sup>3</sup> occurs in the same account as receiver and wardrober, but possibly he was only acting in the former office while the real receiver was in Ireland, where the marshal had large estates.

For most of this period there were two wardrobers, who also acted frequently as auditors of manorial or local accounts. The first wardrober,<sup>4</sup> Andrew of Colchester (occurs 1278-85), may be used by way of illustration. In 1278 he was in correspondence with the merchants of Lucca. In 1280 he was travelling with Walter, the earl's tailor, to look after the wardrobe at London. In 2 Edw. I he was paid £20 for having the earl's tents made at London for the Welsh war. Two years later he ordered William de Halvergate's lands to be measured. Payments to him *ad expensas comitis* are naturally numerous. These were the chief accounting officials. But their tenure of office does not cover the whole period of their activity as members of the household, and a list of them by no means exhausts the known members of

<sup>1</sup> Most of the rolls contain the tantalizing words 'diversi nuncii . . . plures vices'.

<sup>2</sup> Philip de Otington (6 Edw. I-11 Edw. I), Sir Stephen de Loughburgh (11 Edw. I-22 Edw. I), Sir Gocelin the chaplain (22 Edw. I-27 Edw. I); Sir Robert de Dymeton occurs (15 Edw. I), and Reginald de Hunningdon (22 Edw. I). In 2 Edw. I the two chief officials seem to have been Richard de Muntirron and Alexander Criketot.

<sup>3</sup> Reginald de Hunningdon.

<sup>4</sup> The known wardrobers are: Andrew of Colchester (6 Edw. I-13 Edw. I), Sir Ralph de Sircaville (13 Edw. I and 29 Edw. I), Sir Ralph de Beverley (13 Edw. I-32 Edw. I), Robert de Loughborough (24 Edw. I), William de Belingges (26 Edw. I), Reginald de Hunningdon (27 Edw. I), and William de Knottingele (32-4 Edw. I). Ralph de Sircaville is possibly the man of that name who had accounted for Bogo de Clare's wardrobe fifteen years earlier. (Giuseppi, in *Archaeologia*, vol. lxx (1920), pp. 5, 21.)

that household who received sums of money *ad expensas comitis*.<sup>1</sup> We have thus, as in the Fortibus household, a receiver and a wardrober.<sup>2</sup> But while the latter functionary kept Isabella's seal, the earl marshal had his own chancellor, who between 1294 and 1301 was Sir William de Beccles. The chancellor had his own *camera* at each of the important manors of Walton and Dovercourt, and probably elsewhere.<sup>3</sup> Isabella de Fortibus had no chancellor, and though Gloucester, like the other Marchers, had a chancery, little is known of it.<sup>4</sup>

The marshal's accounts, unlike those of Isabella de Fortibus, reveal no true *caput*. Isabella had her head-quarters first at Burstwick and afterwards at Carisbrooke. The earl, as was natural, used neither Framlingham, Chepstow, nor Bosham as his central office. It is almost certain from the accounts, and obvious from the requirements of his political activities, that the central receipt was at London. Money is taken there frequently, and it is known that the account rolls of the northern estates were kept there.<sup>5</sup> There are a few references to the wardrobe at London so phrased that it seems to be established there in the absence of the earl. This is not unlikely, as the de Lacy wardrobe was about this time in permanent being at London, and other magnates had town houses.<sup>6</sup>

Isabella's chaplains do not appear to have played a great part in the administration of her household or lands. At Cockermouth, Burstwick, and Radston there were resident chaplains to say masses for the soul of Earl William de

<sup>1</sup> Others who occur in this connexion are David Lovel (4 and 9 Edw. I), Adam de Camera (9 and 11 Edw. I), John the chaplain (25 Edw. I), Sir Benedict de Felsted (25 and 26 Edw. I), Sir Richard de Rudham (32 Edw. I).

<sup>2</sup> Min. Acct. 840/3 (1264). The chancellor is mentioned in 837/19, 21, 22; 873/15, 18. The marshal's countess had her own wardrober, who was financed from the earl's manors by payments of considerable sums, and her own tailor. Use was here made of the same system of payment by *starra*.

<sup>3</sup> Richard of Cornwall, as King of the Romans, had a chancellor—the master Arnulf who appears in *Foedera*, I. i. 440, and *Close Rolls* (1259-61), p. 339, A.D. 1261.

<sup>4</sup> For the Pembroke, Bohun, and Clare chanceries see Madox, *Baronia Anglica*, pp. 154-7.

<sup>5</sup> 'In expensis fratris Edwardi euntis Lond' pro rotulis comp' de partibus borial' querendis 2s. 1d. per unam talliam' (Weston 837/17, 1296).

<sup>6</sup> W. Page, *London, Its Origin and Early Development* (London, 1923), ch. iv.



Fortibus, but the men who are thus named do not usually occur in any other connexion. An exception was Isabella's bailiff of Kennington and Lambeth, Roger de Donescumbe.<sup>1</sup> Roger Bigod's chaplains, on the other hand, played a noticeable part in the financial administration. One of them, Sir Goscelin the chaplain, was receiver of Framlingham in 1290-1 and receiver of the household 1293-9.<sup>2</sup> Robert the chaplain was receiver of Framlingham in 1273.<sup>3</sup> Thomas the canon was receiver of Chepstow in 1293.<sup>4</sup> Geoffrey the chaplain was sometime wardrober of the Countess of Norfolk.<sup>5</sup>

Regarded as a whole, the payments by local officials to the Bigod household are numerous and small.<sup>6</sup> No sum of £400 or over has been noted as a single payment. This is partly due to the complex organization of the earl's household. In any one year payments may be expected to at least three clerks, and money was never allowed to accumulate to any great extent at any one manor. The number of items to be taken into consideration, as well as the multiplicity of rolls in which they occur, renders any conclusion more tentative than the calculations permitted by the simpler machinery of the Fortibus estates. Many of the payments into the wardrobe are made by *starra*, a method usually associated with the Jews, and not often noticed in other private accounts.<sup>7</sup> Payments under the heading *Computatores* are often *per billas sigillatas*, while in the Fortibus accounts the almost universal form of receipt is the tally<sup>8</sup>—except in deliveries

<sup>1</sup> See p. 159.

<sup>2</sup> Min. Acct. 817/19, 873/14, 935/13, 922/5, 837/20, 873/20. Others are mentioned only by name: John (837/22, 873/18), William (850/1), Stephen (871/14). These cover the whole period represented by the accounts.

<sup>3</sup> 935/22.

<sup>4</sup> 850/6.

<sup>5</sup> 997/13.

<sup>6</sup> A vast number of these payments might be collected, and would, as they are almost all dated, serve to establish the earl marshal's itinerary.

<sup>7</sup> In 837/21 some stock was sold 'super compoti et non alloc' pro defectu starri tempore Roberti de Lutteburgh garderobarii' (anno 24 Edw. I). Merton College Roll no. 5302 (early 14th cent.) mentions a *starrum* which is an indenture between master and bailiff of the latter's indebtedness.

<sup>8</sup> See H. Jenkinson, 'Mediaeval Tallies Public and Private', in *Archaeologia* (1924), vol. lxxiv, where the probability that the private tally was universally employed is suggested. This is confirmed by every type of thirteenth-century private account, and Mr. Jenkinson's further suggestion that the tally declined in popularity in the later fourteenth century is borne out by their less frequent occurrence in manorial rolls.

made on a writ issued by Isabella or her steward. Under the earl marshal numerous payments were made on the spot, so that there is less carrying of money by local officials than on the Fortibus estates. Chance has preserved for us an exact account of the sums received from the Norfolk-Suffolk and Chepstow estates at the end of the fourteenth century. That so large a territorial group had remained unchanged in composition is a matter for surprise, and the coincidence is of value. In 1394 the estates produced £2,839.<sup>1</sup> There is no reason to believe that they were so valuable in the thirteenth century, but this neglects the Irish manors, and the earl marshal's income from the perquisites of his office, which may have been considerable.<sup>2</sup>

In England no man is created a baron except he may dispend of yearly revenue one thousand pounds or one thousand marks at the least; viscounts, earls, marquesses, and dukes, more according to the proportion of the degree and the honour. (Sir Thomas Smith, *Commonwealth*, book i, chapter 17.)

If we may believe the Black Book of Edward IV, which estimates the annual expenditure of a baron upon his household at £500, the monetary income of the peerage had nearly doubled in the course of the hundred years between the time of its composition and the reign of Elizabeth. A similar rise is apparent between the mid-thirteenth and the mid-fifteenth century. Towards the end of Henry III's reign the Lord Edward had £10,000 a year, but, apart from Richard of Cornwall, whose wealth was fabulous, not half a dozen of Henry's subjects had more than £3,000 to £4,000 a year. There are three whom we can be certain approached this standard—the Earl of Gloucester, the earl marshal, and, rather later, the Countess of Devon and Aumale. A wealthy baron, the father of St. Thomas of Cantilupe, was said to have 500 marks' worth of lands. The Ferrers earldom was given to the Lord Edward as the equivalent of 2,000 marks a year. The earldom of Richmond was valued at £1,200.<sup>3</sup> Thomas of Lancaster's five earldoms are, rather later, said

<sup>1</sup> *Catalogue of Arundel MSS. in the College of Arms*, no. xlix, Receipts of the Treasurers of the Countess of Norfolk's household, 18 Ric. II.

<sup>2</sup> For the later perquisites see Spelman, *Glossarium*, s.v. *Marescallus*.

<sup>3</sup> *C.P.R.* (1258–66), p. 160.



to have provided him with about £8,000.<sup>1</sup> On this basis an average earldom, if it could be imagined, would be worth £1,600 a year in cash. In the light of this it is interesting that Isabella de Fortibus, in her later years, was receiving a clear £2,500, and John Mansel's income was estimated by Matthew Paris at 4,000 marks. All these figures, however, except the last, are arrived at after allowing for the vast number of expenses considered as local charges: the administration and upkeep of the manors, the payment of all local officials, the expenses of household officials away from the household, the considerable expenditure at eyres and assizes, and the cost of the household itself, in herds of deer and cartloads of grain, live stock, or fish.

But the moneyed men were creeping up. Though the biggest Southampton merchant of his generation left only £1,000 in cash<sup>2</sup> (A.D. 1258), his real wealth was considerably more, and Adam de Stratton had a hoard of over £12,000.

It is usually only the official nucleus of these households that appears in account rolls. To complete the picture the body of bachelors,<sup>3</sup> knights, and esquires supported by a great person has to be imagined. This can in part be done with the help of an indenture for military service between the earl marshal and John de Segrave. This document is perhaps the earliest of its kind now surviving,<sup>4</sup> and is interesting not only for its own sake but because it was drawn up in the middle of the struggle between the king and the constable and marshal, 9 June 1297, at Chesterford. The indenture was with John de Segrave, second Lord Segrave, son of Nicholas de Segrave, who had died in 1295, and who had been one of the baronial leaders in the late Rebellion.<sup>5</sup> John had a distinguished career, being one of those who sealed the Letter to the Pope in 1301; he was

<sup>1</sup> Tout, *Chapters*, ii. 185.

<sup>2</sup> See the will of Andrew Fleming, no. 1071 in my MS. Calendar of the Archives of The Queen's College, Oxford.

<sup>3</sup> For the meaning of the term 'bachelor' see Jacob, *op. cit.*, pp. 126-32.

<sup>4</sup> MS. Dugdale 18, fol. 83v, here printed in Appendix, is Englished in the *Baronage*, i. 374, and alluded to in *D.N.B.* xxi. 200, and J. E. Morris's *Welsh Wars*, p. 314.

<sup>5</sup> See T. F. Tout's article in *D.N.B.* li. 202.

present at the siege of Carlaverock and captured at Bannockburn. He died in Gascony in 1325. His grandson married Margaret, Countess of Norfolk in her own right, before 1338. At the time of making this indenture John was about forty-one-years old.<sup>1</sup> In return for a grant of the manor and advowson of Lodden, in Norfolk, John agreed to serve himself with five knights and ten troopers for the duration of the earl's life, against all men except the king, in peace and war, in England, Wales, and Scotland. Whenever he was summoned by the earl he was to bring his sixteen lances.<sup>2</sup> He and his knights and esquires were to receive *bouche à court*, his horses hay and oats, and his grooms wages. He was to have two robes of the earl's livery *come le plus avant banaret ke il eyt*, and his five bachelors to have robes as the other bachelors of the earl's livery. The horses were to be valued so that compensation might be paid for those which were lost on active service. If the king went to war in Gascony, France, or Flanders, or elsewhere this side of the sea of Greece, John was to come with twenty horses, to receive £80, and to be paid at the rate of forty shillings a day for twenty horses or thirty-two shillings a day for only sixteen horses, but was to pay his own household expenses. If the earl did not go, but John had to accompany the king, the same conditions were to hold good. He was to have equipment for himself and his banneret if he had one.

The working of a great man's household is thus plain. In time of peace he goes about with a huge train, all wearing his livery and living at his expense. In time of war the same knights follow him to battle, but forage for themselves and receive a definite wage. If they had to go overseas an additional fee of twenty marks per knight was payable and the lord had to find ships and passage for them. But the lord did not contract with knights individually: he made an agreement with a banneret to lead a group. We may assume that the earl treated all his squadrons alike. The interest of the indenture is thus that it points to a stage at which the 'quota' system looks like becoming permanent, when

<sup>1</sup> *G.E.C.* (old ed.), s.v. Segrave.

<sup>2</sup> The wording of the indenture is ambiguous. Troopers are not mentioned, but the phrase *chevaux covers* is normal, and must include them.

contracts are made not for campaigns but for life. Something of the scale on which the earl marshal went to war is reflected in the £90 paid for making his tents in the Welsh war.<sup>1</sup>

There were usually two kinds of livery. The more important officials, treasurers, stewards, or pleaders, or knights of the household, wore the better kind with expensive fur. The bailiffs and constables and less important pleaders wore the cheaper kind, trimmed with lambskin or similar material. For the household, at any rate, these robes were made by the lord or lady's tailor from cloth bought at one of the great fairs. They were usually valued at a mark or half a mark, and were distributed twice a year, at Christmas and Midsummer. Retaining-fees and grants of livery to persons other than officials are not found until the early fourteenth century but rapidly become common.<sup>2</sup> Even the smaller barons like the Grelleys of Manchester had liveried esquires.<sup>3</sup>

(iii)

Seignorial councils do not appear much on the surface of medieval records. Like other private institutions they only emerge occasionally and after much patient watching. Professor Stenton found that Roger de Mowbray had in 1140 a council in which his *dapifer* was prominent, which met privately and which seemed to be a permanent body, but the conclusion was that 'there is very little sign of the existence of such bodies at an early period'.<sup>4</sup> This is not to say, however, that they did not exist, for 'whatever else a baron may have been he was his lord's counsellor. There is no mistaking the significance of the phrases which show groups of honorial barons advising their lord, attending his court,

<sup>1</sup> Min. Acct. 1020/14 Bosham.

<sup>2</sup> Greenfield's *Reg.* i. 168, 'Retaining fee for sir John Giffard, Kt., May 25, 1306, with two esquires, six horses, and six grooms, "ad sumptus nostros in cibo, potu, ferr', et aven' et ferrur', quociens et quandocunque ad nos venire voluerit, quamdiu vixerimus; et eciam singulis annis duas robas pro se ipso, sicut pro aliis militibus seu clericis nos robas dare contigerit . . .'. Cf. *Ormond Deeds*, nos. 420 (A.D. 1308), 478 (A.D. 1313), 540. In the *Red Book of Ormond* (p. 103) is an agreement, dated 20 April 1296, of John de Neyville to serve Theobald Walter V in the Scots War *cum tribus equis coopertis*.

<sup>3</sup> In a charter of before 1302 Robert Grelley grants 'una roba de secta armigero-rum suorum' annually for life (Bod. Lib. MS. Dods. 149, fol. 151, from a Booth family chartulary).

<sup>4</sup> F. M. Stenton, *The First Century of English Feudalism* (1932), p. 73.

approving what he has done, or giving an opinion as to events which have taken place on a fee in the past.<sup>1</sup> Another twelfth-century council may be noticed in a charter of Ranulph, Earl of Chester, to Eustace fitz-John (*temp.* Steph.) granting him the constablership of Chester in fee, and stating that he shall be 'supremum conciliarium post me super omnes optimates terre mee'.<sup>2</sup> As elsewhere, the importance of the constable declined, and his place as the chief officer of the palatinate was in the thirteenth century taken by the justiciar.<sup>3</sup> For the later Middle Ages Professor Levett brought to light a number of baronial councils.<sup>4</sup> It would indeed be easy to multiply examples of councillors retained at a fee in the fifteenth century,<sup>5</sup> but it still remains to deal with the thirteenth century.

In some prominent examples we shall see the composition of councils, the status and some of the functions of the councillors, but little definite evidence of the permanent organization which must have existed. The evidence will sometimes point to an annual fee, and a councillor's oath, but apart from the hearing of accounts it cannot be said whether meetings were regular. Nor have we found much to support the theory propounded by Professor Levett, but not generally accepted, that 'the manorial courts of the later Middle Ages suffered heavily from the interference of domestic councils, bringing with them a strong professional element which ultimately overthrows the older traditional system'.<sup>6</sup> This seems to be too strongly stated, though the presence of the strong professional element will be obvious from at least the middle of the thirteenth century. Though it is not borne out by positive evidence,<sup>7</sup> it cannot be

<sup>1</sup> F. M. Stenton. *The First Century of English Feudalism* (1932), pp. 93-4.

<sup>2</sup> Ormerod, *Cheshire*, i. 691; cf. Madox, *Bar. Aug.*, 133-4.

<sup>3</sup> Tait, *Chartulary of Chester Abbey*, i, pp. xlv-xlv.

<sup>4</sup> A. E. Levett, 'Baronial Councils and their relations to Manorial Courts', in *Mélanges offerts à M. Ferdinand Lot*, p. 441.

<sup>5</sup> e.g. 'Johannes Throk Morton legis peritus retentus de consilio domini ad terminum vite pro .xx. marcis per annum' (Bod. Lib. MS. Dugdale 15, p. 163, from the rolls, in Dugdale's possession, of the Earl of Warwick's receiver-general); and the headings 'Expense Senescalli et aliorum de Consilio', 'Feoda Consilii et aliorum officii' including the items 'retentus de consilio hoc anno .xx. 8' in the Candlesby account rolls for 6-7 Hen. V (cf. 8-9 Hen. V) at Magdalen College.

<sup>6</sup> Op. cit. Cf. *infra*, p. 150.

<sup>7</sup> e.g. Miss F. M. Page's useful study of the estates of Crowland Abbey, pp. 46 ff.



neglected, for the practice of seignorial councils in assuming powers of jurisdiction to which they had no title was sufficiently serious to call forth a Statute (15 Ric. II, c. 12) that no one should be compelled to answer before such a council for his free tenement, or for 'anything real or personal belonging to the law of the land'.<sup>1</sup> Further than this, the indirect influence of Councils in regularizing local custom through auditors and stewards sent out by them is possible but not apparent. There is plenty of evidence for control and professional interference, but not for the promotion of uniformity.

In the thirteenth century it may be assumed, with the *Seneschaucie*,<sup>2</sup> that the typical magnate will have a council with the help of which he can supervise the work of his local officials. In some cases only the bare existence of a council is known. Such is the council of Theobald Walter V,<sup>3</sup> or of Ralph Pippard (1276 and 1284-97).<sup>4</sup> We know, too, that the Bishop of Ely<sup>5</sup> and the Bishop of Durham (and other palatinates),<sup>6</sup> and the Abbot of St. Albans (in 1264)<sup>7</sup> had councils. So with monasteries: there is a bare allusion to the Prior's Council at St. Swithun's, Winchester,<sup>8</sup> and some undated statutes of Kirkham priory appointing councillors.<sup>9</sup> In writing to the king, about 1300,<sup>10</sup> the Abbot of Ramsay, apparently in reply to a royal request, states that he is for the moment unable to advise, as his councillors are busy in distant parts—a statement that alludes plainly to the official nature of his council. Similar but fuller evidence reveals the council of the Archbishop of Canterbury, which comes to light under Peckham in 1282, as a permanent and sworn body,<sup>11</sup> and under Winchelsey as dispersed, according to the

<sup>1</sup> *Statutes of the Realm*, ii. 82. This is printed in *English Constitutional Documents* (1307-1485), ed. E. C. Lodge and G. A. Thornton (C.U.P. 1935), p. 374, where it is mistakenly taken to mean that 'the *honor court* continued to encroach upon royal preserves' (p. 363).

<sup>2</sup> Cited *infra*, p. 73.

<sup>3</sup> *The Red Book of Ormond*, ed. N. B. White, p. 92 (A.D. 1296).

<sup>4</sup> *Ormond Deeds*, nos. 193, 268.

<sup>5</sup> Maitland, *Court Baron*, p. 127.

<sup>6</sup> *Camden Miscellany*, vol. xiii (1924), p. 13. <sup>7</sup> Levett, *Trans. R.H.S.* (1924).

<sup>8</sup> Kitchin, *Obedientary Rolls*, p. 50. <sup>9</sup> Bod. Lib. MS. Dodsworth 7, fol. 192.

<sup>10</sup> MS. Ashmole 1524, fol. 18<sup>v</sup>.

<sup>11</sup> I. J. Churchill, *Canterbury Administration* (1933), p. 11, 'qui de nostro consilio et familia existunt'; 'clericum nostrum de consilio nostro juratum'.

usual practice, on autumnal business.<sup>1</sup> The councillor's oath appears first in the time of Archbishop Reynolds.

Of lay seignorial councils the most important, both in regard to its position and to the details which can be gathered about it, is that of the Earl of Gloucester. It is just at this period that information begins to come to hand concerning the king's council, so that private councils have double interest. It is known that the royal councillors, under baronial pressure, took a special oath in 1257, and Professor Baldwin<sup>2</sup> regards the sworn council as dating from the first year of Edward I, but the charter whose support he adduces belongs to the reign of Henry III and must be dated 1269–72 (since Richard de Middleton is styled 'Chancellor'). It is not known, however, when royal councillors were first regularly paid. The first detailed record of a royal councillor's wages is in 1346.<sup>3</sup> Consequently it is of exceptional interest to find that Gilbert de Clare had a paid council in 1273, costing him £31 a year.<sup>4</sup> There is no reason to think that the fact was unique. If the Earl of Gloucester paid his councillors other magnates probably did the same, and it is some presumption that the royal council too was paid at this date. In 1299 (August 3) there is a list of the earl's council, in a record of the meeting of the county court of Glamorgan. It comprised Sirs Robert de la Warde, John de St. John, junior, Roger de St. John, Robert de Halketone, Hugh de St. John, Robert Bardulf, Robert de Grendone, knights, Mr. Thomas de Palisdone, Mr. Henry de Lancarven, Sir Robert de Kerrington, Sir John de Bruges, clerks<sup>5</sup>—eleven members, four of them clerks. Two are well-known members of the earl's staff: Mr. Henry de Lancarven, treasurer of Cardiff, and Sir John de Bruges, his wardrobe. We know that Gloucester's attempt upon London in 1267 was made upon the advice of Sir William de Munchesny, Mr.

<sup>1</sup> I. J. Churchill, *Canterbury Administration* (1933), p. 12: 'Cum consilio nostro undique nunc, ut moris est, in instanti tempore autumnali disperso.'

<sup>2</sup> Baldwin, *op. cit.*, p. 72.

<sup>3</sup> *Ibid.*, p. 82.

<sup>4</sup> *Infra*, p. 42. There is evidence from 1340 that the Crowland Abbey Council was paid (*Page, loc. cit.*).

<sup>5</sup> Clark, *Cartae de Glamorgan*, iii. 588–9. The earl's sheriff of Cardiff is found in this work, *passim*, from 1102.



Roger de Leicester, and Hervey de Borham.<sup>1</sup> The last, a judge in 1261, was Gloucester's steward in 1258-9,<sup>2</sup> and this therefore emphasizes the position assigned to Walter de Scoteney—also his steward<sup>3</sup>—by Matthew Paris, when he calls him principal councillor.

An illustration of the earl marshal's council at work is provided by an entry in the balance of an account in which a sum of 49s. 1d. was allowed to a reeve who had been overburdened by auditors for the sale of grain. The sale took place in 1294, and after a lapse of nine years the earl remitted this amount in the presence of his council at Bongay.<sup>4</sup> Some of his council, including William de Ormesby, are mentioned at a Norwich eyre.<sup>5</sup>

The only explicit mention of the council of Isabella de Fortibus is in 1274, when Gilbert de Chalfont, Gilbert de Thornton, John de Munpellers, and John de Pagrave were acting for her in a case of novel disseisin at Worcester.<sup>6</sup> Chalfont was an attorney who represented Isabella in matters which touched her closely, but he also sued for the king.<sup>7</sup> In 1269 he had some administrative position on the Fortibus estates.<sup>8</sup> He may have been the clerk described by the Bishop of Winchester as a man of blood, notoriously unfit to undertake any spiritual charge.<sup>9</sup> Thornton is presumably the famous judge, Munpellers a rich London merchant, and Pagrave the constable of Carisbrooke Castle. The two last often went about the estates together on business, and Munpellers, who accounted to Isabella for large sums of money received between 1268 and 1278, was three times one of her auditors. We may expect the council to have consisted of a group of legal, financial, and administrative

<sup>1</sup> Wykes, p. 198, where *Henrici* is a mistake for *Herueii*.

<sup>2</sup> Treharne, *The Baronial Plan of Reform*, p. 140.

<sup>3</sup> *Cl.R.* (1254-6), p. 21 (Jan. 4, 1255); *C.P.R.* (1258-66), p. 146. Cf. Foss, *Judges*.

<sup>4</sup> Min. Acct. 840/11.

<sup>5</sup> Min. Acct. 935/34. William is also mentioned in connexion with a gift of 61s. 4d. to the players (*histrionibus*) of the Lord Edmund, the king's brother, in 1291 at Hampstead (922/3).

<sup>6</sup> Min. Acct. 984/4 Bowcumbe.

<sup>7</sup> *C.R.R.* 192 m. 89, 193 m. 10. Min. Acct. 1118/18; *T.A.J.* xxxi. 398-9.

<sup>8</sup> Min. Acct. 1118/17, 19. Anct. Deed A. 4604.

<sup>9</sup> *Reg. J. de Pontissara*, p. xxiii.

experts, of which the estates steward, receiver-general, auditors, and steward of the household would certainly be members. The identity of some of the witnesses of Isabella's charters with the recipients of numerous gifts of grain, timber, or deer show a group of such men constantly at hand. Four of these, who do not appear to have had any continuous official position, but for whom the countess showed a high regard, were Sir John de Lisle, who had the custody of the Isle of Wight on behalf of the Lord Edward in 1267,<sup>1</sup> Sir Henry Trenchard, another Island tenant,<sup>2</sup> Sir Gilbert de Knoville, later sheriff of Devon, a judge, and one of Isabella's executors,<sup>3</sup> and Sir Jordan de Kingston, whose name gradually comes to the fore in the attestations of charters. They were all on the baronial side in the Civil War, and all served faithfully for some thirty years.

Of household organization in Simon de Montfort's time we can therefore say that it was more complex than the political histories and text-books have assumed. We may be certain that in the administration of his earldom Simon was aided by a permanent council (though its existence is not proved) and that his household had its steward, its keeper of the wardrobe, and a receiver, who may have doubled either office. We may assume that his local officials, under one or more estates stewards, wore his livery and took a special oath to him, and that they were controlled by auditors sent out periodically by his council, of which the auditors would be members. If they defaulted he would have recourse to the royal courts. If they served him well they might hope for office as royal officials. In any case he and they were competent to form a judgement upon what royal officials actually did. Private households had not yet developed into the complicated organisms which were common in the fourteenth century—there was frequently

<sup>1</sup> *C.P.R.* (1266-72), pp. 67, 156, 160. For another man of this name see *Archæologia*, liii. 297-314; *Reg. J. de Pontissara*, pp. xxxviii, 335; and cf. Foss, *Judges*, iii. 271, and *E.H.R.*, 1935, p. 4, note 3, 1929, p. 434.

<sup>2</sup> See *Misc. Inq.*, no. 702, and *Y.A.J.* xxxi, pt. 124, pp. 410-11. He was a man of authority on the southern estates, cf. 'In stipendiis unius hominis cedendi stipita in foresta precepto domini Henrici Trenchard' (984/5).

<sup>3</sup> See *C.P.R.* (1266-72), p. 671; Pipe Roll no. 143 (Devon); Wright, *Political Songs*, p. 231; Foss, *op. cit.* The Countess of Winchester referred to him as *cognato meo* (Close Roll, no. 84, 51 Hen. III, m. 11 d.).

no distinction between wardrobe and chamber—but they were marching step for step with the Crown. The known baronial households of the thirteenth century have reached precisely the same stage of development as that of the king.

## II

### LOCAL ADMINISTRATION

#### (i) BAILIFFS

FROM the central organization we turn now to its sworn and liveried local agents, the bailiffs and their subordinates. The fourteenth century saw the decline of the reeve, and in the later fourteenth century he was indistinguishable from the bailiff.<sup>1</sup> The increase of commutation, the growing habit of leasing out the demesne, and perhaps the prevalence of a different type of demesne farming led to an approximation between the personal status of the bailiff and the reeve. The importance of the reeve gradually diminished, and eventually his duties were taken over, and the whole management of the manor assumed, by a resident official who is indiscriminately described as a *ballivus* or *serviens*. It is possibly this which induced Professor Cunningham to picture each manor with its bailiff. Throughout the thirteenth century only the larger and more important manors have resident bailiffs. The others are grouped together according to their locality, in twos and threes or more, to form a bailiwick, and these bailiwicks are at times grouped together to form what might be, but apparently never was, termed a *sénéchaussée*.

'Bailiff' is a word that can be applied to almost any one who is appointed to look after the property of another. To call a man a bailiff does not fix his status. Sergeants, constables, stewards, coroners, private sheriffs—all these are bailiffs.<sup>2</sup> A bailiff may be set over one manor or ten; or he may have nothing directly to do with the administration of estates, but

<sup>1</sup> This has been pointed out by Miss Davenport in *The Economic Development of a Norfolk Manor*. In the Oseney Abbey accounts (which include about a hundred fourteenth-century manorial accounts) the same accountant is sometimes called bailiff and sometimes reeve. Once or twice the word *ballivus* has been crossed out and *prepositus* inserted. In the thirteenth century, however, there is no difficulty in making this distinction. Reeves are villeins, bailiffs are not. The two words were at that time used indiscriminately in towns: e.g. Oxford, Wallingford, and Newport. See also *Records of the Borough of Leicester*, ed. Mary Bateson, pp. xliii–xliv.

<sup>2</sup> In England the word seems to have retained the breadth of meaning which it had in France—whence it was imported—before being specialized by Philip Augustus. See refs. in Boutaric, *Alphonse de Poitiers*, p. 131.

only with fees.<sup>1</sup> The sheriffs are the king's bailiffs, and their spheres of jurisdiction are often called bailiwicks.<sup>2</sup> Their wages (if they are private officials) may vary from £2 to £16 a year.<sup>3</sup> Their work covers the whole field of private administration. Many aspects of their legal, financial, and other administrative duties will appear in the course of the following pages. As constables they had little to do with the command of garrisons (for often they were not themselves knights) but much with the holding of courts and the receipt of money. Often they were moved from one bailiwick to another. If they were not, their work involved continual travelling to fairs, shire courts, and eyres, or to meet some royal official. If there was no bailiff of fees in the locality the bailiff or constable had the additional work of collecting scutages, reliefs, and other feudal incidents, which though not heavy was in each case liable to drag on over a period of years. The supervision of the various operations of the agricultural calendar was but the beginning of their work. The Hundred Rolls show that they were not loved by those beneath them: and they were frequently at odds with their masters. Yet they may not always have been easy to obtain. Thomas de Cantilupe, in a letter to his steward, expresses a fear that a man just appointed may be enticed into the service of some one else.<sup>4</sup> Besides the land-bailiff there was a bailiff of fees (*ballivus feodorum*) or feodary, an official who becomes increasingly common in the course of the fourteenth century. Frequently an honour would require more than one feodary. The Clare honour, in Norfolk, Suffolk, and Essex, had a bailiff of fees in each county, and in Suffolk the office was a sergeantry; the tenant was bound to find a bailiff to keep the fees and execute the decisions of the court.<sup>5</sup> It was the duty

<sup>1</sup> With foresters, warreners, and the like we are not concerned.

<sup>2</sup> The administrative district under a steward is, in the office of seneschal, his *baillie* not his *senéchaussée*.

<sup>3</sup> Bailiffs ought not to be *ad mensam domini*; they ought to have money wages, and take nothing from the manor but straw, hay, and firewood. (Lamond, *The Office of Seneschal*, p. 93.)

<sup>4</sup> He is to be admitted 'celeriter, ne alibi in servicio illusus se ponat' (*Reg. Thome de Cantilupo*, Cant. and York Soc., 1907, p. 108).

<sup>5</sup> Ault, *Court Rolls*, pp. xxii, 79, 101. Professor Ault describes these men as 'bailiffs who should act as executors of the orders of the court and as custodians of the property of the Earl'. For another such sergeantry see Morant's *Essex*, i. 277.



of a feodary to execute the orders of the court to which he was responsible, and to collect feudal incidents. Like bailiffs of manors, they rendered periodical accounts. On Isabella's estates there were four feodaries: (a) for Norfolk, Suffolk, Essex, Hertford, Kent, Cambridge, and Huntingdon, (b) for Bedford, Rockingham, Northampton, Oxford, and Berkshire, (c) for Wiltshire and Hampshire, and (d) for Dorset.<sup>1</sup> These feodaries were thus not attached to honours or baronies, though this may have been the original practice. At least one (b) must have controlled fees of the honours of Curcy, Eudo, Fitzgerold, and Christ Church Twynham. It is plain, from litigation connected with a feodary, that this grouping was arbitrary and not permanent.<sup>2</sup>

For reeves we may refer to what has been said by others,<sup>3</sup> but a plea may be put in for the so-called 'lesser' manorial officials. The reeve according to Chaucer has become so much of an obsession that too little has been heard of the *messor*, or *repereve*.<sup>4</sup> The reeve is frequently the ultimate responsible official on the manor, but the real task-master is the *repereve*, who often accounts side by side with the former.<sup>5</sup> The *messor* superintended the whole business of the harvest, the performance of customary services and payment of commutation, or the receipt of fines for breaches of these duties. Both alike are villeins, both are acquitted of their villein services in return for performing the duties of this office. Sometimes the *repereve* was paid. On Isabella's lands he is in the background, perhaps because of the strictness with which auditors adhered to the principle of the individual liability of the accounting official. Only occasionally does the man *qui est ultra tritutores* appear.<sup>6</sup> The

<sup>1</sup> In each case a single account has survived, and these, which cover periods between 5 and 12 Edw. I, are enrolled on 1118/22. They are primarily scutage accounts, and like other scutage accounts only specify the number of fees, and occasionally the name of the tenant.

<sup>2</sup> *Vide infra*, p. 159, for a different arrangement of counties in 1275-7.

<sup>3</sup> *E.H.R.*, 1926, p. 358; Davenport, *Economic Development of a Norfolk Manor*, *passim*.

<sup>4</sup> So styled on some Merton College manors, e.g. in Account Roll no. 5356.

<sup>5</sup> e.g. at Tudenham, co. Gloucs., Min. Acct. 859/17, &c., Forncett (here the granger accounts too) as well as Little Framlingham, also in Min. Acct., bundles 998 and 1007 (Welton, where there were two).

<sup>6</sup> To Richard Bere 'existenti ultra tritutores 19s. 9d.' (30 Sept.-21 Dec. 1269)

*repereve*'s position appears plainly at Barton in Gloucestershire for which an account for works due and works done has survived.<sup>1</sup> At Tudenham about half the issues of the manor, no doubt from the commutation of services, were paid by him to the receiver of Chepstow,<sup>2</sup> for if customary services were improperly performed the *repereve* was responsible.<sup>3</sup> Every morning he had to go round the manor to impound stray beasts, to take security from persons wishing to prosecute complaints in the manorial court, and to make attachments and summonses.<sup>4</sup> Like the reeve he might be elected by the villagers.<sup>5</sup>

On Isabella's lands the local officials were well paid. The bailiff of Holderness received £10 plus £4 for his robes. Those of Cockermouth,<sup>6</sup> Harewood,<sup>7</sup> and Skipton<sup>8</sup> were each paid £10. Radston was worth rather less—a fee of 10 marks, and robes of 2 marks.<sup>9</sup> The rate at Sevenhampton was £9 13s. 4d. and two robes of half a mark.<sup>10</sup> An unusual arrangement was in force in the Isle of Wight. The constable of Carisbrooke was paid a yearly fee of 50s. for his clerk, and received in addition a sum proportionate to the length of time that the countess was absent from the island.<sup>11</sup> For the whole year this sum amounted to £10, or approximately 3s. 10d. a week. The payment was usually charged upon the manor of Bowcumbe, but occasionally appears in the constable's account.<sup>12</sup> The two bailiffs of the island, the serjeants of the liberty, received 10 marks each.<sup>13</sup> On the

(859/25), cp. 'Galfrido de Iklingham qui est ultra triturores per xlvij septimanas 41s. 11d.' (997/2).

<sup>1</sup> 920/4.

<sup>2</sup> 859/23-4.

<sup>3</sup> *Select Pleas in Manorial Courts* (Selden Soc.), p. 20. 'Walter Reaper is in mercy for concealing the bad ploughing.'

<sup>4</sup> *Fleta*, p. 172, cap. 84.

<sup>5</sup> *Ibid.*, p. 36, Fine of 6s. 8d. (pardoned by the lord), for not having presented the man elected to the bailiff. The translation 'Reaper', in both cases, conceals the official position of the *messor*. Originally the services of this official may only have been required at harvest-time, but by the mid-thirteenth century, at least on some estates, the word had acquired a wider significance.

<sup>6</sup> 824/14.

<sup>7</sup> 1077/26.

<sup>8</sup> 1087/6.

<sup>9</sup> Henry de Lacy's bailiffs of Clitheroe, Ightenhill, and Pontefract were not quite so well paid.

<sup>10</sup> 1108/17, and 1057/5.

<sup>11</sup> e.g. 'In vadiis Constabularii in absencia Comitisse per 46 septimanas hoc anno £8 17s. 0d. In feodo suo 50s.' (984/10 12 Edw. I, Bowcumbe.) 'In vadiis Constabularii per annum £10. In feodo ejusdem pro clerico suo 50s.' (984/14, 12 Edw. I, Carisbrooke.)

<sup>12</sup> e.g. 984/2.

<sup>13</sup> 984/5.

Irish estates of the earl marshal five constables each received £5 a year, or £10 if they were knights.

(ii) THOMAS DE WESTON AND JOHN SAMPSON

To describe the known activities of even the more important Fortibus officials in detail would be a lengthy and a thankless task. But there are, besides those to be mentioned in connexion with Holderness and the Isle of Wight, two men whose careers may be regarded as typical. The first is Thomas de Weston, the type of the faithful bailiff, who grew old in the service of his mistress, and whose worth was recognized by the Crown after her death. It was not until 1280 that he became a local official, when he was already a familiar figure on all the northern and most of the southern manors. For the next three years he held the position of constable of Cockermouth, which did not, however, confine him to the north. Besides the everyday duties of the bailiff, and the burden of keeping the accounts of the bailiwick in order, he had to undertake numerous and extensive journeys. In 1281, after auditing the account of the reeve of the castle for the preceding year, he went south to the countess. His business took him to London, Caversham, Nottingham (for a plea in which he represented Isabella), Holderness, and back to Cockermouth in November. During Lent he went to Radston, and north again to York for three days. In July he was again in Holderness, and spent three days in Penrith on the way back. In the course of the same year he revisited London and York. Two years earlier it is recorded that he was at Harewood after Michaelmas and went to Cockermouth on legal business. Returning to Harewood before Christmas, he stayed a week before going to Carlisle for the eyre, where his heavy expenses indicate that he had charge of the pleas and presentments in which his mistress was concerned. By the beginning of February he had reached Harewood for the third time, but stayed only a night, as he was on his way to Borley in Essex and Whitchurch in Oxfordshire. In the summer he returned to audit the accounts, and left about the middle of August. We do not know how he was rewarded for this unceasing diligence. At the Carlisle Assizes Thomas de Weston had

to superintend four cases. Hugh de Moriciby brought an assize of novel disseisin for two hundred acres of wood, to which it was replied that Isabella could not answer without the king, as the whole inheritance of William de Fortibus had escheated on his death, and the Countess held nothing except what had been assigned to her in dower. The case had therefore to go to Westminster, and meanwhile the Bench, or possibly the Council, had to be consulted.<sup>1</sup> The same defence was used against Peter d'Eyncourt (or Dryncourt), who asserted rights of common pasture in Appeltwayt.<sup>2</sup> Christiana de Ireby withdrew an assize of novel disseisin. The Archdeacon of Richmond failed to appear to answer for refusing to present Isabella's nominee to the church of Brigham.<sup>3</sup> At the eyre in 1292 there were five cases on hand.<sup>4</sup>

This was not uncommon. The countess frequently had two or three cases pending at the exchequer and a score or so in various counties. Some of the latter found their way to Westminster, but in a large number where Isabella was the defendant the charges were rebutted on some technical point, often the wording of the writ. Even the industrious Thomas de Weston could hardly have kept pace with this unceasing flow of litigation. The four cases mentioned alone cost £3 10s. 8d. in fees to advocates,<sup>5</sup> and it is evidently to these men rather than to the nominal attorney that the shrewd exceptions and legal quibbles are due. During this period *narratores* were constantly employed by the great nobles.<sup>6</sup> It seems to have been the practice to retain one or more at a fixed salary, and to pay in addition according to the amount of work done. There are indications that the earl marshal had a permanent local staff upon which he

<sup>1</sup> A.R. 132, m. 5d. 'Et interim loquendum est cum Rege.'

<sup>2</sup> Ibid., m. 7d., 17. This plea went on at Shrewsbury, and cost Isabella 5 marks in gifts to divers men and clerks, as well as 5 marks to Peter, when he eventually withdrew, and Thomas had therefore to follow the judges to Shrewsbury and Cirencester.

<sup>3</sup> A.R. 132/ms. 14d., 16.

<sup>4</sup> A.R. 134. Assizes at Carlisle, ms. 3, 17d., 23d., 33, 35.

<sup>5</sup> 'In dono Willelmo de Kellou, Jordano de Insula, Roberto de Herford, J. de Farnham, Hugoni de Louthre narratoribus pro placito Petri de Eyncourt et aliorum per vices 70s. 8d.' (824/12. Cockermouth).

<sup>6</sup> Holdsworth, *Hist. of Eng. Law*, ii. 311-13.



could call when occasion arose.<sup>1</sup> Those of the Bishop of Hereford wore the same striped livery as his bailiffs.<sup>2</sup> They were of use not only at Westminster and at the Assizes, but in the shire-court as well. On the grant of a franchise the charter containing the grant was published in the shire-court by the sheriff's clerk, and the procedure was then for the grantee's advocate to lay formal claim to the liberty on behalf of his lord.<sup>3</sup>

When Thomas de Weston became constable of Cocker-mouth he received the usual fee of £10 a year, and shortly afterwards he had the custody of the manor of Dene, by Isabella's gift. It is not to be supposed that a bailiff set over one or two manors led this kind of life, but it may be taken as a fair specimen of the activity demanded from the bailiffs of Holderness, Cockermouth, the Isle of Wight, and, in a lesser degree, Skipton.

After an interval of seventeen years Thomas returned as bailiff to Cockermouth at the steward's command. He was there only ten weeks, probably in the absence or illness of the constable, who at the end of that time resumed office.

Nevertheless it was not as bailiff but as auditor that Thomas de Weston earned his chief title to Isabella's gratitude. During almost the whole period of her widowhood it is quite exceptional not to find his name as 'second-in-command' at the audit of at least one group of manors, and from 1274 frequently over the whole of England. It is needless to say more at this point of the labour which this entailed, but it may be noted that it was probably in this connexion that his letters were so frequently carried from

<sup>1</sup> He paid 20s. a year to one John de Todenham in Suffolk. This is immediately followed by a note of £5 to Henry de Todenham as his fee for the Michaelmas Term. (1007/11 Walton, 1283.)

<sup>2</sup> Swinfield's *Household Roll* (Camden Soc., 1853-4), p. 112.

<sup>3</sup> 'Data clericis vicecomitis Sussexie pro carta domini comitis [i.e. the earl marshal] de warrenna de Stoke in comitatu legenda 2s. et cuidam oratori pro reclamacione dicte warrenne 6d.' The charter was then published in Norfolk (Min. Acct. 1120/17). 'In expensis domini Philippi de Boklaunde senescalli, baillivorum domini Regis et aliorum ad comitatum Gyppewyc pro cartis mercati et ferie legendis et in donis pro dictis cartis legendis et clamandis 8s. 0½d.' (1007/13 Walton). 'Pacat' Willelmo Strustrum [?] narratori quia placitavit pro domino comite ad comitatum Norwyc contra dominum Johannem de Werdun 6s. 8d. per litteram senescalli' (935/12 Fornett, 1290, and cp. *de Lacy Compoti* (Chetham Soc., 1884), p. 51).



place to place. During these years he performed many other services in every part of England, at fairs and in courts.

From June 1295 Thomas de Weston accounted for the issues of Holderness, Cockermouth, and Harewood, as the king's agent in those parts.<sup>1</sup> He cannot have been young when he was thus promoted to control the northern half of the estates with which he was so familiar, and which he was obviously so well fitted by experience to administer. His wife Christiana was still living when he died in May 1299,<sup>2</sup> but there were no children. His brother Richard's son John succeeded as the nearest heir.

Of a different type was John Sampson, an unpopular and not too efficient bailiff, who never rose to the trusted position of auditor. After spending nine months as constable of Cockermouth (November 1266–August 1267) he was for two years constable of Skipton. Here he was disliked. Five of the Hauterive family and three other free tenants there assaulted him while he was presiding over the *curia militum*, in consequence of which Isabella and John Sampson brought an action of trespass against them.<sup>3</sup> They were accused of driving off some cattle from the park and doing other damage, so the assault is perhaps to be regarded as an attempt to recover *vi et armis* cattle which had been taken in distress.<sup>4</sup> In the same year, but apparently on a different occasion, he was assaulted by certain citizens of York, for which an action was brought against the mayor and others.

As bailiff of Borley in Essex and Clopton in Suffolk in 1275 Sampson was no more popular, again through an arbitrary exercise of his right to distrain upon cattle.<sup>5</sup> But he seems to have given satisfaction to the countess, for he received, in addition to his fee, a gift of 10 marks, and next year he became bailiff of Harewood. Yet after he left office he refused to render account for any of the lands which had been under his care, and was from that time no longer employed.<sup>6</sup>

The bailiffs formed a numerous and educated class of

<sup>1</sup> Min. Acct. 1079/14–16 and K.R.M.R. 73.

<sup>2</sup> Cal. I.P.M. iv. 351. *St. Bee's Reg.*, Illustr. Docs. Nos. 42, 45, 47, 57 give details of his possessions. He held land in Lutterford *ad voluntatem domine*. 824/15. He had also a carucate in Wyberdelay (*Kirkby's Quest*, p. 41).

<sup>3</sup> C.R.R. 193, m. 13, and Exchequer of Pleas, plea roll no. 1e m. 3d., 9, and 18d.

<sup>4</sup> Cf. *R.H.* i. 112.      <sup>5</sup> *R.H.* ii. 189; and 1118/19.      <sup>6</sup> *Infra*, p. 160.

men, well travelled and versed in affairs. Their life was never monotonous. If they remained long at one post, they were constantly travelling outside their bailiwicks; if they stayed with the same master, they could change their bailiwicks. For ambitious men there was constant opportunity of obtaining positions of confidence in their master's household, or, if he died, of being set over his lands as royal agents: for it was obviously desirable to retain the services of men who had proved their efficiency in a task which demanded not a little specialized knowledge. But it is evident that bailiffs did not normally become officials of the household. Occasionally, as with Robert Hildyard and Thomas de Weston, a man had experience of both, but both these men started in the household. Usually the personnel of the local and central administrations were kept apart.

It seems not unfair to assume that the existence of such a class of men was recognized, and that the inevitable feeling against those who equalled in wealth, but were not called upon by birth to undertake the burdens of, their immediate superiors in rank was an important factor leading to Distrainment of Knighthood and the Action of Account.

A remarkable passage in the *Quo Warranto* pleadings for Gloucestershire says that hundred-bailiffs are not at the same time to serve as stewards to knights or other private lords, if these lords claimed any liberties within the shire. This the sheriff was to forbid by proclamation.<sup>1</sup> There is no indication that this was meant to be more than a temporary measure, of which the object was no doubt to secure impartial juries. The double allegiance of many private officials is a matter which Miss Cam has made clear: it was undoubtedly common, and he who had the franchise of *Returnus Brevium* inevitably had a bailiff who also served the king.<sup>2</sup>

### (iii) LOCAL RECEIPTS

An opinion which still seems to persist is that the honour was the inevitable administrative unit.<sup>3</sup> The grouping

<sup>1</sup> *P.Q.W.* 265.

<sup>2</sup> This is often stated, e.g. the Earl of Lancaster claims return of writs 'et facere execuciones eorundem per ballivos et ministros suos ipsi Regi juratos' (*P.Q.W.* 320).

<sup>3</sup> e.g. Pollock and Maitland, *History of English Law*, i. 281, and *Constitutional Documents*, ed. Lodge and Thornton, p. 362.

together, however, of half a dozen manors under one bailiff or constable was frequently a matter of convenience rather than historical association. The honour of Skipton, for example, included the manor of Borley in Essex, but the latter was not within the group of estates administered by the constable of Skipton: it was associated, in the later thirteenth century, with a group of manors of which Radston in Northamptonshire was the chief and which formed part of the honour of Aumale. Similarly a feodary was not usually appointed for the fees of any one honour, but for all the fees of his master within certain counties. He might thus administer parts of numerous honours, for by the middle of the thirteenth century the original grouping of fees had undergone many changes.<sup>1</sup>

For financial and administrative purposes the unit was the bailiwick, however formed. Some, much more important than others, can be described as Local Receipts. Sometimes they combine the administrative supervision of manors with the administration of a liberty. The bailiff of Holderness is also the sheriff of the wapentake.<sup>2</sup> Of the Archbishop of York's eight or more bailiffs, the bailiff of Hexham was sometimes also a justice of the liberty. The archbishop had also his receivers at York, Ripon, Beverley, and Hexham.<sup>3</sup> The Earl of Gloucester's estates were grouped round three local receipts, the receivers of Clare, the treasurers and receivers of Cardiff, and the receivers of Usk.<sup>4</sup> The earl had his own prison at Usk, where in 1252 he imprisoned his own chamberlain.<sup>5</sup> It will be convenient at this point to summarize the one roll which throws any useful light on the honour of Clare in the thirteenth century. For a private account it is quite early.

This document is the account of Robert de Abethorp, the

<sup>1</sup> For some examples see 'Eudo Dapifer's Honour of Walbrook', in *E.H.R.*, 1931.

<sup>2</sup> *Infra*, pp. 46 ff.

<sup>3</sup> *Greenfield's Register*, pp. xxvi-xxvii, 198, 248.

<sup>4</sup> Of these officials the following appear in the few surviving manorial accounts: Receivers of Clare—Robert de Abethorpe (1100/12, 930/2, 2-3 and 4-5 Edw. I); Robert de Pencrich (930/1, 5, and 6, 3-4, 19, 28 Edw. I). Receiver of Cardiff—William de Merisfield (930/13, 14, 1247/18, 21 Edw. I). Treasurers of Cardiff—William de Caversham (925/5, 29 Edw. I); Henry of Llancarfan (1247/17, 920/15-17, 28, 31 Edw. I-2 Edw. II); William de Overton (922/29, 2-3 Edw. II). Receiver of Usk—William (1247/19, 20-1 Edw. I).

<sup>5</sup> *Annals of Tewkesbury*, p. 149.

receiver of the honour of Clare, for Michaelmas 1273 to Michaelmas 1274.<sup>1</sup> He received a total of £1,027 12s. 2½d., which included £61 3s. 9d. arrears. The receipts are divided into four sections: (1) from the reeves of Clare and Hundon, the sergeant of Haverhill, the reeve and sergeant of the manor of Sudbury, the bailiffs of the borough of Clare, and the chamberlains of the borough of Sudbury, all in Suffolk; (2) the reeves of Disning and Lakenheath in Suffolk, and of Cramplesham, Bircham, Walsingham, and Winterton in Norfolk; (3) the reeves of Bardfield in Essex, Standon and Popeshale in Hertfordshire, Southoe in Huntingdonshire, and seven bailiffs—of Cambridgeshire and Huntingdonshire; of Norfolk; a (?) former bailiff of Norfolk; of Suffolk; of Essex; of the March; and of Southwold in Suffolk; (4) a foreign receipt of £40 for a wardship.

The fees paid amount to £62. They include 40 marks to Robert de Bures (steward of the honour of Clare), £4 each to John de Toucestre (constable of Clare and bailiff of the manors of Clare, Houndon, Sudbury, Haverhill, Disning, and Bardfield) and Robert de Abethorp (receiver of Clare) as well as sundry payments to bailiffs, park-keepers, and huntsmen. The foreign expenses include £20 to Sir Richard de Loughtebourgh,<sup>2</sup> the earl's 'forinsec wardrober', and £10 to John de Chelmsford, the earl's attorney *in banco*. The latter also received £31 'ad solvendum illis qui sunt de consilio domini comitis pro feodis suis'.<sup>3</sup> The *liberationes* include £729 18s. 2d. by twelve writs to Sir John de Bruges, the earl's wardrober, and £71 8s. 8d. to Sir Richard de Loughtebourgh, now described as 'formerly wardrober'.

The profits of the Redvers inheritance and the *Fortibus*

<sup>1</sup> Min. Acct. 1109/12. Most of the other Clare accounts used are to be found in bundles 920, 922, 930, 999, and 1247. For the rest of the Gloucester lands see Richard de Clare's I.P.M. in the *Calendar* (vol. i, no. 530). Most of the accounts are of the fourteenth century; there is no good series of accounts for the thirteenth. Some of them (e.g. 920/16, 922/13) are views of account. The rolls have obviously been audited but the names and status of the auditors, the methods of the audit, the extent of the steward's responsibility do not emerge in this period. Cf. *infra*, p. 143. The Clare accounts in 1109/6-11 (18-26 Hen. III) are of no use here, as Richard de Clare was a minor and the lands were in the king's hands. Moreover, they are incomplete and bare.

<sup>2</sup> Cf. p. 13, note 4.

<sup>3</sup> Cf. p. 28. Two other items are: 'To Sir Giles Dargenteyn for part of his fee £10' and 'For one horse lost at the Dunstable tournament £6 13s. 4d.'



dower lands came to the household in a variety of ways. Until the death of John la Warre, the estates steward,<sup>1</sup> a considerable proportion of the total income passed through the hands of the steward of the estates. Isolated manors paid usually direct to the receiver, but the issues of manors grouped into bailiwicks generally passed through the hands of the bailiff or constable. The central receipt was after about 1262 at Carisbrooke, where the receiver had his *camera* and where we find mention of a *cathedra scriptoris*, and a document is once described as being delivered into the Countess's Treasury in an Island account.<sup>2</sup> Numerous payments can be traced to the island from Cockermouth and Skipton and Holderness through intermediary manors. The receiver, unlike other officials, is never found travelling from manor to manor, nor are his letters carried about the country. It is probable that, when the office was not undertaken by some one already holding another post, there were few administrative functions attached. It was natural therefore for the reeves of the island to pay directly to the receiver. Yet this did not always happen; the payments were sometimes to the constable, sometimes to the reeve of the castle or to the reeve of Bowcumbe. Similarly at Skipton, delivery was at times made to the bailiff and at times to the reeve. From Cockermouth, Harewood, and Skipton, payments, until 1271, were regularly made through the bailiff of Holderness, though not necessarily at Burstwick. Sometimes the bailiff was at one of these three places to receive them. After 1271 the money was handed over directly to the receiver. From Devon the money seems to have been collected by the constable of Plympton and forwarded to the receiver, but sometimes a portion of it passed through one of the Isle of Wight accounts.

The most interesting of these payments are those made in Holderness, the central office for the northern estates as Carisbrooke was for the southern, and for two years the central receipt. For some years revenue was accumulated at this point to meet considerable demands, for the countess and her mother owed the Lord Edward 3,000 marks for the wardship of that part of the Aumale lands in Holderness

<sup>1</sup> *Infra*, p. 74.

<sup>2</sup> 984/9 Bowcumbe.



not already held in dower, and for the marriage of the heirs of William de Fortibus.<sup>1</sup>

There is a clear-cut line of division in the financial history of these estates. From 1260 to 1274 at least half of the cash profits from the various manors were delivered to the steward, and so far as these can be traced payments were made at Burstwick or Radston. It has already been pointed out that Burstwick, in connexion with money due to the Lord Edward, was during the early years an important local receipt. This is noticeable again when La Warre is steward. Almost all the surplus from Holderness (in 1271 it was £626 6s. 8d.) was paid to him.<sup>2</sup> In 1271-2 it seems that Holderness was drained to provide money for the household, which spent most of the time in the island, for besides the £600 odd, £390 was paid to Robert Makerel, the household steward. It may be doubted if there were many private hundreds in England which could raise £1,000 in a single year. The earl marshal was not so fortunately situated.

But when La Warre went out of office the stewards were no longer in such an anomalous position. They drop into the background, and the receiver, now frequently so styled, comes to the fore as the responsible person to whom all large payments are made. He rarely left Carisbrooke for this purpose. Money was delivered to him in a number of ways. Sometimes it was taken by two or three men (often the reeve and bailiff) or it was sent more safely by the new device of orders to pay. In either case it no longer passed through the hands of an estates steward or auditor. The auditors are now more frequently referred to as *computatores*. The steward is hereafter mentioned (in the accounts) perhaps twice in twenty years. The financial arrangements were definitely reorganized; they did not change gradually over a period of years. Consequently it does not seem too much to suggest that this reorganization was the work of Adam de Stratton, admittedly a most astute financier, and that Isabella's grant to him of the manor of Sevenhampton in 1276 was his reward for services rendered.<sup>3</sup>

<sup>1</sup> C.P.R. (1258-66), pp. 158, 161.

<sup>2</sup> The DCXXVI should probably read DCLXVI, i.e. 1,000 marks.

<sup>3</sup> See further p. 79.

There is on the Bigod lands a more clear-cut distinction between the functions of auditors, stewards, receivers, and bailiffs than is to be found on the Fortibus estates. The functions of the steward, who is neither an auditor nor a receiver for the household, were confined, as they logically should be, to the supervision of the estates. On the other hand, increased prominence is given to wardrobe and chamber clerks.<sup>1</sup> One of the causes is plainly to be seen in the far greater political activity of the earl marshal. His preoccupation in public business necessitated a more automatic system of administration than that adopted by a dowager countess, and to be more automatic it had to be more clearly defined. The earl had to be with the army in Scotland or abroad, attending councils or parliaments, while Isabella stayed at Carisbrooke or Radston.

The Bigod local administration was supervised by bailiffs over groups of manors, and two stewards—one for the country round Chepstow, the other for Norfolk and Suffolk<sup>2</sup>—as well as a household steward. Their payment seems to have been a matter of individual bargaining, for the sums noted vary from £26 13s. 4d. to £60 a year (these salaries were reckoned by the week). The duties of the steward are apparently entirely judicial. He does not act as an auditor, nor does he receive money to the use of the household. With the issues of his bailiwick he has nothing to do. There were three local receipts, at Bosham, Chepstow, and Framlingham, but to the office of receiver no great emoluments were attached (about £3 a year and a robe worth £1).<sup>3</sup> Occasionally a chaplain from the household was sent to undertake this task, but more often the post was filled by local men, at times villeins.<sup>4</sup>

The Irish side of the earl marshal's administration<sup>5</sup> can be dealt with summarily, though nearly a hundred of the surviving accounts relate to the lordship of Carlow (1279–84),

<sup>1</sup> There is a list of Bigod's *familiares* in *Close Rolls* (1256–9), p. 151, but it is too early (A.D. 1257) to fit in with the accounts.

<sup>2</sup> *C.Ch.R.* iii. 99. The distinction is frequently to be seen in the accounts. In 1291 the household steward was Thomas del Isle (1007/15).

<sup>3</sup> Bundle 921 *passim*.

<sup>4</sup> e.g. 768/21 and 997/12.

<sup>5</sup> Orpen, W., *Hist. of Ireland*, iv. 264; P. H. Hore, *History of Wexford*, i. 9–39, 141–61; James Mills, *Journal of Royal Soc. of Antiquaries of Ireland* (1892), pp. 50–62.

which Bigod inherited through his grandmother, the eldest daughter of William, earl marshal, and which formed a fifth part of the great lordship of Leinster, acquired by Strongbow. The whole income of this estate was about £750 a year, of which the expenses of management and upkeep consumed about a third. The profits were frequently sent over to Wales and paid to one of the wardrobe clerks. On the whole the system presents few striking differences from that seen in England. There was the same system of view and audit of account, writs and tallies; the same hierarchy of officials wearing their lord's livery. The administration centred in Carlow, under a steward, Sir Philip de Bocland, kt., who received the unusually high salary of £100 a year. He conducted the honour court of Carlow, Fothered, Fenagh, Old Ross, and the Island (Kilmokca). The steward had under him five constables, who each received £5 a year, or, if knights, £10; and a sergeant of the county who held his office at farm for 20 marks. The reeves, bailiffs, and receivers rendered their accounts to the treasurer at Carlow, who had control of the financial administration, as the steward had of the executive and judicial business. This financial business was conducted at the exchequer in Carlow Castle. The item 'profits of the Exchequer' is an interesting allusion to the judicial powers of the auditors, who came from England once a year or more. The profitable nature of these Irish lands is revealed by the last account of Thomas Wade, treasurer of Carlow, who answers for £1,363 in hand, the accumulation of a number of years. A remarkable feature is that the pleas and perquisites of courts in the honour brought in about £200 a year, but this may be due to the marshal's privilege of having his own justices in Ireland.<sup>1</sup>

#### (iv) THE SHERIFFS AND BAILIFFS OF HOLDERNESS

The wapentake of Holderness is the only lay estate not a palatinate for which early accounts by private sheriffs have survived. Until 1262 Holderness was the most important of Isabella's estates; from 1259 to 1263 Burstwick was her

<sup>1</sup> *Close Rolls* (1254-6), p. 212: 'Cum habeat vicecomites et justiciarios suos . . . per quos recorda de falsis judiciis, si que facta essent in curia ipsius comitis in Hibernia, coram vobis venire deberent et non per iijior milites.' Cf. *ibid.*, p. 206.

normal residence and her receipt. In later times Burstwick and Carisbrooke became the typical chamber estates of the Crown. 'The largest area that had ever been put permanently into the hands of the Chamber', it was 'almost as free as a palatinate, and had substantially the organization of a shire'.<sup>1</sup>

Of these private sheriffs we are here concerned with Rémy de Pocklington (1261-3), William de la Twyere (1263-6), Richard Halstead (1266-7), Simon de Preston (1267-70), and Robert Hildyard (1270-89).<sup>2</sup> Each of them rendered an account which on the counter-roll is found amongst the manorial accounts, according to the familiar pattern, of 'arrears', receipts from reeves, receipts from foreign bailiwicks (Skipton, Cockermouth, Pocklington, and Harewood),<sup>3</sup> administrative expenses and fees, and *liberationes*, i.e. payments to members of the household or delivery of money by their order. Contrary to the practice upon the earl marshal's lands it is extremely rare to find individual reeves paying to household officials. Almost invariably the cash surplus passes through the hands of the sheriff or, as he was more usually described after 1270, the bailiff.

The office of sheriff of Holderness was an important one, though the men who occupied it were not sheriffs in the true sense of the word; they did not account at the exchequer.<sup>4</sup>

<sup>1</sup> Under the Crown Holderness excluded the justice, sheriff, coroner, escheator, and exchequer (Tout, *Charters*, iv. 271). Burstwick accounted to the Chamber from Dec. 1332 (*ibid.*, p. 240) and Carisbrooke became the southern counterpart of Holderness three years later (*ibid.*, p. 242). Professor Tout erred in describing Holderness as part of Isabella's inheritance and the Isle of Wight as an Albemarle estate (*ibid.*, p. 297, n. 2). The reverse of this would be true. His supposition (*loc. cit.*) that Hedon 'not even a manor, was still a sort of borough' and that the burgesses are 'not known to Prof. Tait' takes no account of the charters of Henry II and John in the companion volume to that which Prof. Tait edited (Ballard, *British Borough Charters, 1042-1216*, p. 37).

<sup>2</sup> The financial side of Hildyard's work was undertaken 1278-82 by two villein receivers. The bailiff in 1290 was Stephen of Keyingham and in 1291 John de Idlesleigh (? in Devon).

<sup>3</sup> The foreign bailiwick properly so called seems to have been for lands held of the fee of Holderness in other parts of Yorkshire and in Lincolnshire and was worth about £2 a year, as well as a manor at Barrow-on-Humber and castle-ward to Sowerby (30s. in 1267 (1078/9) 'Seueresby'; 16s. in 1269 (1078/11)). Isabella did not hold these in dower. Barrow was farmed for £14 5s. 9d. to Adam le Despencer (*ibid.*).

<sup>4</sup> *Cal. Fine Rolls*, ii. 326 (1317), shows that 'sheriff's aid' was paid to Holderness by the prior of Bolton-in-Craven, who held five carucates in the wapentake, and who had compounded for this, castle-guard, and suit of court.



But the title had long been used by the earls of Aumale. A form of address commonly used by William le Gros (1129–79) ran ‘Willelmus comes Eboracensis dapifero suo et vicecomiti et omnibus baronibus suis et ministris Francis et Anglis salutem’. Until the wapentake was taken into the king’s hand in 1268 the style of ‘sheriff’ was in common use.<sup>1</sup> After that date it is occasionally applied to Simon de Preston and once or twice to Robert Hildyard, but it is not found after 1270. For then Isabella had only her dower lands in Holderness and neither the coronership nor the liberty was hers, and there was little reason to dignify her bailiff by the name of sheriff.<sup>2</sup> Still, the tenure of that office by Robert Hildyard, an experienced, diligent, and faithful man, must have enhanced the apparent importance of the position in the eyes of contemporaries, as it makes it bulk large in the account rolls whose preparation he supervised.

The men who served in this capacity were not merely paid officials dependent on their salary. They were substantial yeomen, richer no doubt than many knights.<sup>3</sup> When Robert Hildyard died it was found that on his lands there was pasture for a thousand sheep, and a flock of that size meant, according to the Reules S. Roberd,<sup>4</sup> a clear income of 50 marks a year from this source alone. The personal possessions of Richard de Halstead tell a similar tale. When the constable of Knaresburgh and the coroner of Holderness had pursued him after the Barons’ Wars in a vain endeavour to make him answer for his misdeeds to the Countess Amice,<sup>5</sup> they carried off his goods to the value of £240. The list of what they took is noteworthy. At the house of Simon de Preston (afterwards sheriff of the wapen-

<sup>1</sup> It occurs in the accounts of Rémy de Pocklington, and in the early manorial accounts. For private sheriffs, see Morris, *The Sheriff*, p. 108.

<sup>2</sup> On the other hand, the constable of Carisbrooke Castle was just as much a sheriff as his predecessors had been, but the title is never used there in the latter part of the century.

<sup>3</sup> Henry de Cheshunt, sheriff about 1251–6, had lands in Holderness worth over £60 a year, and Hildyard had property worth £14 a year in Hedon alone. (Poulson, *Holderness*, ii. 108.)

<sup>4</sup> Ed. E. Lamond, p. 60.

<sup>5</sup> This was a stage in the lengthy quarrel between the Countess Isabella and her mother, the Countess Amice (see *Y.A.J.* xxxi. 411).



take) in Preston, where Richard was probably living, they found the following:

Goods and chattels . . .	worth	£26	13s.	4d.
80 gold rings . . .	„	£16	0s.	0d.
90 gold rings . . .	„	£3	0s.	0d.
1 gold ring with a ruby . . .	„	£6	13s.	4d.
A buckle . . .	„	£10	0s.	0d.
A silk belt embroidered with gold. „	£13	6s.	8d.	
A chest . . .	„		13s.	4d.

At Little Humber, whither they came next day, they took

3 colts . . .	worth	£20	0s.	0d.
3 colts . . .	„	£12	0s.	0d.
9 sheep . . .	„		13s.	6d.
Lamb's fleeces . . .	„		2s.	6d.

The day after, they arrived at Ravenser and removed his armour:

A breast-plate . . .	worth	40s.	0d.
2 hauberks . . .	„	54s.	0d.
2 gambesons. . .	„	100s.	0d.
3 helmets . . .	„	9s.	0d.
In money . . .	„	£30	6s. 8d.
23 horses . . .	„	£60	0s. 0d.
10 gold rings . . .	„	40s.	0d.
A bed and 2 robes. . .	„	60s.	0d. <sup>1</sup>

Finally they went to Keyingham and took

A black palfrey . . .	worth	40s.	0d.
A horse-skin . . .	„	2s.	0d.
A bull-hide . . .	„	5s.	8d.

On another occasion, when Halstead was at last captured, he lost, on his own statement, a further £40 worth of goods. And yet none of these sheriffs was a knight.

The sheriffs were men of substance, for the position was one of no small responsibility. Holderness was self-contained and rich. The gross receipts of the bailiwick were often well over £1,000, the cash in hand might be £300 or £400.<sup>2</sup> Practically the whole wapentake was held directly of the honour of Aumale; the comital pastures were broad

<sup>1</sup> This list suggests that Richard had some sort of permanent residence at Ravenser.

<sup>2</sup> Richard de Halstead begins his period of office with 'arrears' of £278 os. 2d.

enough for 7,000 sheep; the stables at Keyingham and the Park enjoyed a more than local reputation. Moreover, for the first few years, while Isabella and her mother were living together at Burstwick, the sheriff of Holderness received the profits of Cockermouth, Skipton, and Harewood, in order that the revenues he dealt with might be large enough to bear the payments due to the Lord Edward for the purchase of two parts of the wapentake. He was also charged with making a number of purchases, as of cloth for the liveries and wine<sup>1</sup> for the household, together with smaller items such as shoes for the young Countess Aveline, which might be expected to fall under the care of a household official.

It is therefore not surprising that the men appointed had all had administrative experience elsewhere. Three, Willelmus Anglicus (c. 1240), Henry de Cheshunt, and Robert Hildyard, had been constables of Skipton,<sup>2</sup> and Rémy de Pocklington had been the last earl's deputy as sheriff of Cumberland,<sup>3</sup> and was (like William de la Twyere, another of these bailiffs) one of the executors of his master's will.

Rémy's accounts form the first of the long series of rolls dealing with Holderness.<sup>4</sup> The one that has been preserved runs from Michaelmas 1261 to Michaelmas 1264, and is in many ways a remarkable document. The hand in which it is written, the width of the parchment, the practice of allowing no alterations except by erasure, even the use of 'regnal years' of the countess seem to show a direct imitation of exchequer usage not unnatural in the rolls of one who had been for years accustomed to account at Westminster.<sup>5</sup> It is indeed strongly reminiscent of the contemporary Pipe Roll. The account as we have it is the final version, the

<sup>1</sup> The wine-bill increased in an astonishing fashion during Rémy's term: £13 10s. 5d. (1261-2); £24 4s. 11½d. (1262-3); £60 14s. 3d. (1263-4).

<sup>2</sup> Skipton was probably a recognized stepping-stone. One of the constables, Martin de Campo Florido (Champfflower, Somerset), became an auditor under Isabella. A man of this name was keeper of the Bishopric of Carlisle in 1257. (Cumb. and West. Antiq. and Arch. Soc., *Pipe Rolls, 1220-60*, pp. 186, 194). One of the family had been a sheriff in 1235.

<sup>3</sup> 1257-60. *Pipe Rolls*, pp. 179, 188.

<sup>4</sup> Min. Acct. 1078/7.

<sup>5</sup> Rémy probably brought his own clerk, more accustomed to the phraseology of the exchequer than to that employed upon private estates, e.g. in the second year all the receipts except the arrears are called foreign; next year, where the subject-matter is similar, the word is not used at all. In Holderness his clerk was Ralph, and one Ralph Godard had been his sub-sheriff in Cumberland.

counter-roll, but the sheriff's account alone is preserved upon it. The complete roll must also have contained the manorial reckonings of the various reeves. Even in its incomplete state this roll is unique. It is the earliest, probably too the only, account of a thirteenth-century private sheriff.<sup>1</sup>

The amounts received by Rémy in his first year are considerably less than they should be if all the reeves were paying to him. He receives, in fact, from only one reeve, the reeve of Burstwick, and though the amount (£136 19s. 10½d.) is far too large to be regarded as the surplus produced by that manor, it is only about half what might be expected from all the manors. The later practice, whereby the sheriff answered for all the issues of the bailiwick, was not enforced under Rémy. His account is compressed and arbitrary. Payments from Borley and Radston are *sine tallia*, and the entry 'In expensis eiusdem euntis Lond' circa dotem comitisse et alibi circa negotia eiusdem comitisse expedienda xv li. x s.' suggests a large number of 'particule'.

It is not stated at what rate Rémy was paid, but his personal expenses were considerably higher than those of his successors. He was allowed three grooms, a new saddle, two pairs of robes, and two tabards every year, items which do not occur after his time.<sup>2</sup> At the end of three years he went out of office, and the debts at the end of the roll show

<sup>1</sup> This sheriff's account raises difficulties because it runs from Michaelmas 1261 and yet calls the year starting thence *anno primo comitisse*, and so with 1262-3 *anno secundo*, and 1263-4 *anno tertio*. Since there is no mention of arrears nor allusion to a previous account it may safely be assumed that Rémy only entered office in September 1261. The first year after the death (23 May 1260) of Earl William de Fortibus is therefore a blank in the history of the wapentake. The period of doubt may be narrowed by noting the date of the purchase of two parts of Holderness by Isabella and her mother Amice in February 1261, before which the two countesses presumably could not appoint a sheriff, though an agreement had been made with the Lord Edward that the sheriff should do fealty to Isabella. The only interpretation of the *anno primo* that suggests itself is that the sheriff in office under the last earl, probably Henry de Cheshunt, continued to function, and, not having done fealty to Isabella, was not regarded as her official.

<sup>2</sup> He had also 69s. for his livery. He was rich enough in 1262 to buy land worth £20 a year from Isabella for £100 (of which a third was remitted). There were protracted disputes about the extent of this gift, and its validity was questioned after Rémy's death. This case shows the impossibility of distinguishing in many thirteenth-century documents between gifts and sales. Without the evidence of the accounts it would appear to be a gift (see one of the pleas in Jacob, *O.S.S.L.H.* viii, p. 210).

that he had failed to pay a number of his subordinates their due wages. In the third year, too, he begins with a superplus of £161 13s. 9½d. His three years' account was audited as a whole, some time after Michaelmas 1264, in the presence of Isabella.

William de la Twyere, the sheriff from Michaelmas 1264, was a man whose family had served the lords of Holderness since the time of William le Gros,<sup>1</sup> but he remained in office only until 1266, and probably did not give satisfaction, as his arrears ran on until 1277.

The unfortunate Richard de Halstead was followed for two years by Simon de Preston, after which Robert Hildyard came into office.<sup>2</sup> He had already been constable of Skipton for two years, and before that had had charge of Isabella's wardrobe. For the next twenty years he performed his duties with great faithfulness. It was under him that the stable at Burstwick gained sufficient importance to rank as a separate account.<sup>3</sup> When he had been bailiff for nine years the hundred-jurors found little to say against him save that he had imprisoned one man and taken from him 20s., and half a mark each from two other men.<sup>4</sup>

In 1277 Robert Hildyard's financial work was handed over to two villein receivers, who for the next four years rendered accounts jointly for all those things which had previously appeared in the bailiff's account. These men were Peter de Sniphou<sup>5</sup> and Robert Cayr,<sup>6</sup> who had had experience as shepherds, reeves, and stock-keepers. In the latter position they were largely responsible for the wool produced by the demesne flocks, and had been accustomed to handle an income that often reached £400. They were now chosen 'per electionem villatarum de Preston, Kayingham, et Esington'. At the same time a similar change was made at

<sup>1</sup> Poulson, *History of Holderness*, ii. 192 ff.

<sup>2</sup> There is a history of the family in Poulson, *Hist. of Holderness*, i. 341. In the thirteenth-century accounts the name was sometimes spelt with a 'thorn' instead of a 'd' in the middle.

<sup>3</sup> A succession of men in charge of this were called Adam Coltman, John Coltman, Peter Coltman, and sometimes merely 'le Coltman'. <sup>4</sup> R.H. i. 106.

<sup>5</sup> William de Snyphou's widow Hawise paid 20s. for having her late husband's lands (1078/18) and (1078/19) William de Sniphou paid 20s. for retaining the lands of his father.

<sup>6</sup> Andrew Cayr paid 13s. 4d. for having his father's lands (1078/19).



Cockermouth, where Simon, son of Richard, also a villein, took over the financial duties of the constable. The alteration may have been made to allow the bailiff more time to attend to his other duties. It cannot have been that Robert Hildyard was incompetent, for when the change was made he paid his 'arrears' at the audit to these receivers, and resumed his work in 1281 for eight years. In the same year the old system was reintroduced at Cockermouth.<sup>1</sup> It cannot be coincidence that these innovations cover almost exactly the period of Adam de Stratton's dominance over the Fortibus household. Corroborative evidence of this hypothesis will be found towards the end of the next section.

(v) THE WOOL TRADE IN HOLDERNESS

There is no doubt of the importance of the wool trade in thirteenth-century England, but until the age of Edward I its organization does not come to light. Schaube has given valuable figures for 1273, when the total export was over 32,000 sacks, of which 34.9 per cent. was exported by English merchants.<sup>2</sup> It is still, however, not easy to pierce the darkness which surrounds the sheep-farms of this period. Before examining the Holderness wool-sales something must be said of the nature of the evidence for Yorkshire, where sheep-farming was important from the mid-twelfth century, when the great Cistercian abbeys, which long dominated the religious and economic life of the north, began to flourish. The well-known Flemish and Italian lists, in which the estimated annual yield of a large number of religious houses is given,<sup>3</sup> are of uncertain value. According to the Italian list the most productive houses were, as might be expected, Fountains, Rievaulx, and Jervaulx, yielding 75, 60, and 50 sacks a year respectively. Melrose, Selby, and Bridlington are next with 50 each, while seven others are each assigned 40. It is, however, by no means clear whether this represents the total yield from each house or the amount likely to be

<sup>1</sup> On the Bigod lands villein receivers are sometimes appointed at Chepstow, one of the three local receipts.

<sup>2</sup> Schaube, 'Die Wollausfuhr Englands vom Jahre 1273' (*V.S.W.G.* 1908, vi. 68).

<sup>3</sup> Cunningham, *English Industry and Commerce*, i, App. The Italian list, which gives the prices for three qualities of wool, has recently been re-tabulated by Mr. Herbert E. Wroot in a valuable article on 'Yorkshire Abbeys and the Wool Trade' printed in the *Publications of the Thoresby Society* (1930), vol. xxxiii, pt. i, pp. 9-10.

purchased by one firm. Cumbermere, for example, is allowed 6 sacks, yet in 1279 it engaged to supply 15 or more a year until 300 had been delivered. For this agreement it had received 1,000 marks down (*in errestum*).<sup>1</sup> Meaux is said to yield 25 sacks, but in 1280 it made two separate agreements with the Cerchi and the Riccardi to provide a total of 55 sacks in 1281 and 63 in 1282.<sup>2</sup> Fountains contracted to sell 6 sacks to the Riccomanni in each of the years 1284–5–6 at 16 marks a sack, the bill being bought by the Mozzi. The abbey had also agreed, in 1280, to provide 130 sacks for some Florentine merchants at the rate of 26 sacks a year for 12 marks a sack.<sup>3</sup> Moreover, it is known from other sources that the Meaux estates could support 11,000 sheep,<sup>4</sup> which should, on the basis of the Holderness seignorial accounts used below, have provided anything from 40 to 70 sacks of wool.

In the *Reules S. Roberd*,<sup>5</sup> the thirteenth-century treatise on domestic economy and other matters, is given a formula which it is useful to bear in mind—that a thousand sheep at good pasture should be worth 50 marks a year profit. This tallies with the results derived from the Holderness accounts, and would here give 550 marks or, say, 55 sacks. Therefore the figures given in Cunningham's list are at the moment of no practical value, except as providing a *minimum* yield for each house mentioned. To interpret the long-term contracts, alluded to above, is almost equally difficult. Only about twenty of these bargains between monasteries and Italian merchants have survived. Appearing chiefly during the latter half of the thirteenth century, they relate almost exclusively to dealings with Florentine and Lucchese firms. It appears that the willingness of the merchants to make large advances, in return for payments of wool spread over a number of years, led many houses to enter into contracts of which the advantages should have been more than dubious. The origin of these contracts is not to be sought in the thirteenth century, for already in Henry II's day we hear of a six-year contract by Louth Park with William Cade.<sup>6</sup>

<sup>1</sup> L.T.R.M.R., no. 53, m. 13.

<sup>2</sup> Ibid., m. 12d.

<sup>3</sup> Pagnini, *Della Decime*, ii. 324–7; and L.T.R.M.R., no. 53, m. 11.

<sup>4</sup> *Chron. de Melsa* (R.S.), p. xxii.

<sup>5</sup> Ed. Lamond, p. 106.

<sup>6</sup> H. Jenkinson in *E.H.R.* (1913), pp. 209 ff.

Before the middle of the thirteenth century Dunstaple Priory is found agreeing with *Ricardus medicus* to sell all their wool to him for six years at sixpence a fleece.<sup>1</sup> The Cistercian statutes are instructive on this subject, for even in 1181 the General Chapter had enacted that the wool of only *one* year might be sold in advance in cases of necessity.<sup>2</sup> The prohibition was repeated in 1277, but in 1278 sales for a longer period were legalized provided that payment was made for a single year only.<sup>3</sup> In 1279 the final step was taken, and it was admitted that larger sums might be received than the wool was worth in any one year, provided that the money was applied to the reduction of debts.<sup>4</sup> Thus the practice can be seen running ahead of the theory, which finally collapses in the year of the great murrain.<sup>5</sup>

Whitwell, in an article not yet superseded, primarily concerned with the Abbey of Meaux and its dealings with the Italian merchants, brought to light the important fact that the abbey was in the habit of buying up wool for sale to merchants from farmers in the neighbourhood, the total thus acquired being known as the *collecta*.<sup>6</sup> An analysis of these contracts shows, as others have remarked,<sup>7</sup> that they were selling for future delivery more wool than they could hope their flocks would produce. A study of these documents, however, though interesting in the detail provided about the nature of the kinds of wool and the terminology of the trade, does not yield any striking results, for there is no means of telling how far the price is conditioned by the state of monastic indebtedness.<sup>8</sup> Though interesting from

<sup>1</sup> *Dunstaple Chartulary*, no. 301.

<sup>2</sup> Martène and Durand, *Thesaurus*, iv, col. 1253.

<sup>3</sup> J. T. Fowler, *Cistercian Statutes* (1880), p. 137.

<sup>4</sup> Martène, col. 1465.

<sup>5</sup> See *infra*, p. 60.

<sup>6</sup> R. J. Whitwell in *V.S.W.G.* (1904).

<sup>7</sup> Cf. M. Postan, *Credit in Mediaeval English Trade*, p. 259.

<sup>8</sup> A contemporary statement of the indebtedness of some Cistercian monasteries is in Bod. Lib. MS. Rawl. B. 449, fol. 9, which gives the following information, using Arabic numerals:

Fountains, about Midsummer	1291	.	.	£6,473	10s.	6d.
"	"	"	"	1293	.	£3,534 14s. 3d.
"	"	"	"	1294	.	£3,533 12s. 1½d.
Louth Park April	1294	.	.	£457	17s.	2d.
Woburn May 6	1294	.	.	£400	19s.	4d.

The first item is not so large as it looks, because it includes, according to an

more than one point of view, for the study of prices they are useless. The other source of information is a letter dated 5 January 1284-5<sup>1</sup> containing a list of some twenty houses with which wool contracts had been made by the Riccomanni. In this year they were all taken over by the Mozzi. The length of these contracts varies from two to eleven years: the amount purchased is generally the whole clip. The amount of cash down looks considerable, and is sometimes stated to be the whole price. In the case of Repton it is 100 marks down for a four-year bargain, to begin in 1287 for all their wool. The price, however, is not usually given. By running together these two sources of information we obtain ample proof of what Whitwell had led us to suspect, namely, that the contracts do not tell the whole story. They serve, however, to confirm the theory that monasteries were buying up wool in the local markets, by revealing the precautionary measures taken by the merchants to distinguish between the *collecta* and the wool produced *de proprio stauro et pastura*. Considerable emphasis is often laid on this clause. Sometimes boundaries are specified. Meaux is to provide wool from Holderness 'towards Bridlington and towards Kirkham as far as York'. The Dernhale contract is for 'the better crop of Hereford'. The Pipewell agreement of 1291, covering a whole membrane of the Memoranda Roll, goes into great detail over the care of sheep and the maintenance of sufficient flocks. The wool is usually bought for delivery at Boston, Clifton, or Hull, generally within three weeks after 24 June. The merchants usually sent their agent to assist in the preparation of it, as at Meaux, Dernhale, and on the Aumale lands in Holderness. It was normally divided

explanatory note, expenses on corn and other provisions for the period till Michaelmas, estimated at £540. Louth Park, on the other hand, had not yet sold that year's wool. The position of other monasteries can be illustrated from the Memoranda Rolls: Glastonbury in 1279 owed the Riccardi £801 os. 8d. which had been advanced for them to the collectors of the tenth (L.T.R.M.R., no. 52, m. 15); Lewes owed the same firm 700 marks (*ibid.*); Roche owed £300 to merchants of Florence (*ibid.*, m. 9); Walsingham owed £200, which was paid two years later, to a firm of Piacenza (*ibid.*, m. 9d.); Wenlock in 1282 acknowledged a debt of 200 marks to the Riccardi (L.T.R.M.R., no. 55, m. 20); Castle Acre owed the Florentines 245 marks (*ibid.*, m. 21); Lewes, again, owed 480 marks and in 1284 2,500 marks (*ibid.* and no. 57, m. 17d.); Westminster in 1291 owed 800 marks to merchants of Siena (*ibid.*, m. 28).

<sup>1</sup> Pagnini, *Della decime . . . di Firenze* (1765), ii. 324-7.



into three qualities: the first, 'good' wool, is often defined with some such phrase as 'erit tota alba, sicca, munda, et bene lota, bene parata et ponderata'. Sometimes it is to be 'sine clack' et lok' [i.e. the sheep's mark and short clippings], god et card [*alias* cot et gare = wool matted or clotted together and wool growing about the shanks], nigra, grissa [= grizzled], vilein tuysun'.<sup>1</sup> The second quality is *mediana* or *mediocris* or *grossa lana* and the third *loketi* or *locchi*. But sometimes the wool was sold, as at Kirkstall in 1292, as it came from the sheep.

Finally, an important factor affecting the price was the size of the sack. The stone varied considerably before the statute of 21 Edw. III, cap. 8, by which every sack was to be of 26 stone and every stone of 14 pounds.<sup>2</sup> The sack in the thirteenth century is taken as the equivalent of 300 wool-fells.<sup>3</sup>

With so many variable factors it is difficult to be precise about the wool trade in the later thirteenth century, and even if it were possible only a fraction of the ground would have been covered, for the sum total of the monastic clip falls far short of the 4,000 sacks exported from Hull between June 1275 and April 1276, and this itself is about one-eighth of the total number of sacks—actually 32,743, exported from England in 1273.<sup>4</sup>

In Holderness there is some further non-monastic material. Beginning in 1260, it provides the earliest, and for a long time the best, example of large-scale sheep-farming upon a baronial estate. Only units like the Winchester episcopal lands or the larger Cistercian houses show a greater annual yield. Of all the examples collected by Thorold

<sup>1</sup> Walbran, *Memorials of Fountains*, p. 177. Cf. Dernhale and Pipewell contracts, and the Riccomanni-Mozzi letter.

<sup>2</sup> A note in a thirteenth-century Flemish register gives the English wool-sack as of 28 stone of 13 pounds, thus achieving the same result—364 pounds (Varenbergh, *Relations diplomatiques entre le comté de Flandres et l'Angleterre*, pp. 214 ff.). At another time the size is 30 stone of 12 pounds, i.e. 360 (L.T.R.M.R., no. 53, m. 14). The Dernhale sack is said to be of 4 stone, but this is probably an error for 14 (C.C.L.R. (1272-9), p. 254). The *Seneschauie* (p. 95) gives a sack of 28 stone of 12 pounds, or 336 pounds.

<sup>3</sup> C.P.R. (1272-81), pp. 84, 90. In the fifteenth century it was only 240 fells (E. Power and M. M. Postan, *Studies in English Trade in the Fifteenth Century*, 1933, p. 51).

<sup>4</sup> Wroot, op. cit., pp. 18-19, and A. Schaube, cited by Power, p. 39.

Rogers that of Holderness is easily the most important. It provides five times as much wool as any other estate mentioned.<sup>1</sup> It cannot compete in size with the yield to which Robert de Tateshale, an important Lincolnshire baron, had access.<sup>2</sup> In 1260 Robert engaged to deliver 70 sacks of good wool to Arnold Griffun and his partners at Boston fair.<sup>3</sup> He must have been typical of many others, for otherwise the total amount of wool exported in that age could not be accounted for. There is, however, little information about this kind of activity, except in Holderness.

Under the lords of the seignory the business of sheep-farming was sufficiently important to have its own extra-manorial organization. The first extant account of the stock-keeper (*instaurarius* or 'stourer'), who was independent of the manorial reeves, is from 1263, but we have allusions to others in the sheriff's account for the wapentake from 1260 to 1263.<sup>4</sup> As with other aspects of seignorial administration in Holderness we come upon it suddenly in full swing in 1260. It was clearly no sudden growth, for the whole system of accounting in use shows an advanced technique, which seems to have been ahead of that employed by Crowland Abbey in Lincolnshire. At Crowland 'in the first period the sheep did not form a sufficiently prominent item of monastic revenue to be accorded a separate account and organization', but 'from the beginning there was a tendency to regard the profits of sheep-farming as a seignorial monopoly, outside the control of the bailiff or reeve'.<sup>5</sup> The latter half of this statement is apparently true also of Holderness, but the former is not. From its first appearance the work of

<sup>1</sup> Rogers (*Hist. of Agriculture and Prices*, i. 369-70; ii. 336, 340) failed to see that the headings 'Paulflete', 'stock-keeper', 'Ringeburgh', 'Parva Humber', and 'Keynham' all represented the same administrative system, and that the wool sold was usually the whole clip from the Fortibus lands in Holderness. This made it impossible to recognize the high annual yield.

<sup>2</sup> Jacob, *Studies*, pp. 224-8. For his estates see *Cal. I.P.M. Hen. III*, no. 145; Dugdale, *Baronage*, pp. 439 ff. He had 25 fees including land in Boston.

<sup>3</sup> Cited by Whitwell, *Vierteljahrschrift*, p. 28, from K.R.M.R., 42-3 Henry III, m. 17.

<sup>4</sup> This three years' account is all on one roll, which caused Rogers some confusion. He put the first two years as one and omitted the third.

<sup>5</sup> F. M. Page, 'Bidentes Hoylandie' in *Econ. Journal*, 1929, pp. 603-14. The Crowland accounts, running from 1258, deal with fleeces, not sacks. The profits were about a third of the Holderness sales.

sheep-farming was organized under a stock-keeper to whom a staff of ten or so shepherds and their subordinates were responsible. The pasture was almost entirely situated in the south of the wapentake, much of it being near Hull. The stock-keeper had his head-quarters at Keyingham, the manor with the largest flocks, and though he was a villein who received only quittance of services for his labours, this quittance amounted to twenty-four shillings at a time when bovates in Keyingham commuted their services for 1*s.* 2*d.* The shepherd of Preston and Little Humber (the two offices were held by one man in 1264) received the same. There were lesser officials at Wolvedike, Sutton, Saltmarsh, Somerating (? = Summergangs), Hoggecote, Ridgemont, Westaker, and Cleton, and summer pasture at Hillecote and Coulandcote. It will appear elsewhere that these villeins of Holderness were men of substance, and it would be of great interest to know what they did on their own lands. The office of stock-keeper was probably no more popular than that of reeve, for it entailed heavy financial responsibility, with an annual turnover of some hundreds of pounds, and the officials were pursued for debts long after they had left office.<sup>1</sup>

Though the Fortibus estates lay in every part of England, Holderness was the only great sheep-farming centre. It brought in about £200 a year, or roughly a third of the profits of the whole wapentake. The only contemporary lay magnate of whose estates much is known—the earl marshal—had no large sheep-farms. In the size of its flocks the Fortibus organization shows a total of about 7,000, which is less than Meaux but more than Crowland.<sup>2</sup> The numbers, however, varied considerably on account of the murrain, purchase or sale of pasture, or other causes. As at Crowland, there was never any great winter killing: in 1263–4 only 600 were killed. But even in the best years Holderness could not rival the farms of the Bishop of Winchester, which supported 15,000 sheep as early as 1208–9.<sup>3</sup> Yet the potentialities of the business were seen and efforts were made to

<sup>1</sup> See further, *infra*, pp. 151 ff.

<sup>2</sup> Min. Acct. 1078/8 shows 7,816 sheep and lambs in Sept. 1265.

<sup>3</sup> Levett in *O.S.S.L.H.* v. 61.

increase the yield by renting pasture for a thousand sheep from Saer de Sutton.<sup>1</sup>

The accounts of the stock-keeper and of the bailiff show that between 1260 and 1280 the wool was sold year by year to the Riccardi of Lucca at a fixed price of  $8\frac{1}{2}$  marks a sack. For the first five years the amounts were 20, 30, 36, 31, and 34 sacks. Between 1271 and 1278 the average rose to 38 sacks. This refers only to the 'good' wool. The second and third kinds were dealt with separately and fetched perhaps £30 for 10 sacks. It seems possible that the stability of the price in Holderness was the result of a contract over a period of years, for the purchase of four sacks of wool in 1268-9 by the bailiff for £22 (i.e. at  $8\frac{1}{4}$  marks a sack) would thus be explained.<sup>2</sup> There is otherwise no indication that the countess was buying for re-sale, but the four sacks may have been needed to make up an agreed quantity.

It may be repeated that many influences could affect the price of the wool, apart from its quality: the amount already owing to the merchants, the size of the sack, the degree of preparation, the sum received in advance, the proximity of a suitable port. The countess was for long indebted to the Italian merchants, but the relation between these debts to the merchants of Lucca and the sales of wool is not known. We can only point out that the price of wool from Holderness compares unfavourably with the prices in any of the known contracts because so much of the clip was marsh wool. The multifarious political and financial activities of the merchants, and the obvious convenience to many of paying their taxes or debts in kind, compel us to accept these book-keeping prices with the greatest reserve.

For about a decade after 1279 there are in Holderness indications that point to a period of economic depression. It is the same with monastic finances in this period, and there can be no doubt that a great contributory cause was the general murrain of those years, mentioned by numerous chroniclers. In 1278-9 the murrain appeared in Holderness. It had begun in Lincolnshire in 1276 and continued in the West Riding as late as 1284. This was the first time that the scab had appeared in England, and its effects were disas-

<sup>1</sup> *Infra*, p. 62, note 1.

<sup>2</sup> Min. Acct. 1078/11.



trous.<sup>1</sup> The disease later became endemic, but at this, its first, onset it was peculiarly virulent.<sup>2</sup> The Cistercian monasteries, already making disadvantageous contracts with the merchants, must frequently, as at Kirkstall, have been almost overwhelmed by the suddenness of the crisis. Yet their marvellous recuperative power had, by the end of the century, brought monastic finances back to normal. It appears to have been partly the murrain which threw the monasteries into the hands of the Italian merchants, and this may explain some of the apparently impossible contracts made by the monks during the last quarter of the century. The severity of this visitation leaves no room for doubt. In the history of Norwich Priory and of Crowland Abbey it was unique: more than half the sheep perished.<sup>3</sup> A similar and enlightening story comes from Kirkstall Abbey. Even in 1278 it was deeply in debt to merchants of Florence;<sup>4</sup> by 1287 the Lancashire estates were being sold to Henry de Lacy at ten years' purchase.<sup>5</sup> In 1284 they had no sheep at all, but a debt of £5,248 15s. 7d. plus 59 sacks of wool. Yet in 1301 they had again 4,000 sheep and had reduced the debt to £160.<sup>6</sup> In Holderness the mere fact that a messenger was sent all the way to Carisbrooke in the Isle of Wight *pro morina bidentium* indicates that the circumstances were exceptional. No wool at all was sold that year, and the next year only three sacks. Only 466 sheep are mentioned, so that

<sup>1</sup> 'Hoc anno [1277] invaluit generalis scabies ovium, per universam regionem Anglie, quae a vulgo dicebatur Clausite, per quam infectae sunt omnes oves terrae' (*Ann. War.*, p. 388). 'Contra scabiem, quae generaliter omnes oves Angliae presenserat per septennium praecedens, remedium didicimus quanquam tarde.' The remedy was mercury ointment (*Ann. Dunst.*, 305-6, A.D. 1283). 'Anno regis Edwardi quinto erat communis morina bidentium per totam Angliam' (*Barlings Chron.* in *Chron. of the Reigns of Edw. I and Edw. II*, vol. ii, p. cxvii); cp. also *Lanercost Chronicle* (trans. Maxwell, p. 10, s.a. 1275) and Duckett, *Visitations of Cluniac priories* (Lewes Priory, 1279), p. 36. 'Mortales ovium hoc anno [1279] incepit in Lindeseia, et per plures durans annos, per totam fere Angliam dispergebatur', cp. *Chron. de Abbatiae Parco Lude* (Linc. Rec. Soc.), i. 18.

<sup>2</sup> Rogers, op. cit. i. 31, where the coming of the murrain is placed some years too late.

<sup>3</sup> W. H. Saunders, *Introduction to the Obedientary Rolls of Norwich Priory* (1930), pp. 35, 52; F. M. Page, op. cit., p. 611.

<sup>4</sup> L.T.R.M.R., no. 49, m. 9, cp. no. 54, m. 16 (a debt of 450 marks), and no. 56, m. 4d. (a debt of 670 marks).

<sup>5</sup> *De Lacy Compoti*, Intro., p. ix, and cp. Whitaker's *Craven*, pp. 81-2.

<sup>6</sup> *Mon. Ang.* v. 529.

only one-fifteenth survived. The wapentake did not recover for the next ten years, although over £70 was at once spent in buying stock. In 1291 and 1292 23 and 25 sacks were produced,<sup>1</sup> and these were sold at about 7½ or 8 marks, a miserable price when Midland wool was fetching £20. When another decade had passed, the yield had again risen to 30 sacks,<sup>2</sup> but this was from the whole wapentake, not merely a third.

The Holderness wool-sales have a wider importance as a clue to the financial organization of the Fortibus estates (comprising the Isle of Wight, Holderness, a barony in Cumberland, the honour of Skipton-in-Craven, the earldom of Devon, and some manors elsewhere). From 1260 to 1277 the wool was sold to the Riccardi, but there are few traces of other dealings with them. In 1278, for reasons unknown, but perhaps on account of the murrain, Isabella called in Adam de Stratton, the greatest and probably the most unscrupulous of thirteenth-century moneylenders, who eventually met the fate he deserved. Though never called her steward, it is clear that Adam was Isabella's supreme financial official. He never leaves London on her business, but for a decade after 1278 everything is done by his orders. We can trace with certainty the official career of this extraordinary man,<sup>3</sup> who left a cash hoard of over £12,000 and a reputation as a sorcerer, but we cannot trace the full extent or significance of his manifold dealings with the Jews and Italian merchants which pervade public financial records for a generation. He does not seem to have been involved in wool-trading on his own or in lending money to the nobility, but he did reorganize the financial side of the Fortibus administration,<sup>4</sup> and one clue to this is the new prominence of the merchants of Lucca when he comes into power.

<sup>1</sup> The rise can be accounted for if an undated purchase of pasture may be assigned to this period. The vendor was Saer de Sutton, who parted with 120 acres of meadow in 'Forde' and pasture for 1,000 sheep in the common pastures of his manor of Sottecotes [Southcotes], Drypole, and Sutton (Dodsw. MS. 139, fol. 63, and 94, fols. 86 ff.).

<sup>2</sup> In 1297 Thomas de Normanville accounted for 30 sacks, which were sent to Antwerp (1079/15), and in 1304 for 29 sacks (1079/17).

<sup>3</sup> *Infra*, pp. 77-85.

<sup>4</sup> *Supra*, p. 44, and *infra*, p. 80.

By the middle of the thirteenth century the Italian merchants in England had gained a strong position in relation to the Jews, the monasteries, and the nobility.<sup>1</sup> It is now generally recognized that at this time dealing for and in credit was well understood by the mercantile classes.<sup>2</sup> From William Cade, who even in Henry II's day was apparently in the habit of investing sums in the undertakings of merchants,<sup>3</sup> English traders were not the simple folk pictured by Cunningham. It is equally clear that usurious loans were general and the rate of interest high, in spite of the rising tide of protest from theologians.<sup>4</sup> There is, further, little doubt that English magnates were taking a greater interest in the development of their estates, and that (though only partly for this reason) money-incomes were rising steadily. Yet the relations between the nobility and the merchants remained one-sided. In spite of the insinuations of Matthew Paris<sup>5</sup> there is strikingly little evidence that the nobility were employing their increased wealth in mercantile transactions. There is one remarkable exception, for the activities of Richard of Cornwall entitle him to a place side by side with Beaufort as one of the greater Christian usurers. His vast profits out of the re-coinage, his control of the Jewry, and his loans to the Crown and to the Lord Edward provided him with a fortune which even his expenses as King of the Romans did not entirely dissipate.

On the other hand, the Crown, the nobles, and the monasteries were coming to regard the Italian merchants as they had formerly regarded the Jews. The heavy taxation of the latter and their social disabilities contributed to

<sup>1</sup> Already by 1232 Henry III had borrowed 12,000 marks from the Florentine merchants (*C.P.R.* (1231-4), pp. 514-15). By 1256 the Sieneese had advanced 41,000 marks, to be repaid out of the tenth (Mitchell, *Taxation*, p. 279). It was perhaps about this time that the Italians acquired the valued privilege of suing their debtors in the Exchequer. On the whole subject, which seems ripe for further study, see R. J. Whitwell, 'The Italian Bankers and the English Crown' (*T.R.H.S.*, n.s., xvii. 175-233), Charles Johnson on the Frescobaldi in *St. Albans and Hertfordshire Architectural and Archaeological Association Trans.* (1903), pp. 320-34, and W. E. Rhodes, 'The Italian Bankers in England', in *Manchester Historical Essays*, pp. 137-67.

<sup>2</sup> M. Postan, 'Credit in Medieval Trade', in *Econ. Hist. Rev.*

<sup>3</sup> *E.H.R.* (1913), p. 730.

<sup>4</sup> For usurious loans to the Crown see *C.P.R.* (1247-58), p. 629; *ibid.* (1258-66), p. 257; *Cl.R.* (1259-61), p. 247.

<sup>5</sup> Whitwell, 'Italian Bankers and the English Crown', p. 209.

their supersession a generation before their expulsion. The Italians, in the third quarter of the century, won for themselves a unique position as agents of the Crown. Not only were they buying wool, selling cloth, and making purchases for the royal wardrobe, but from 1266 they farmed the traditional customs, and the 'great custom' from the time of its institution in 1275.<sup>1</sup> It must therefore have been hard for other competitors. In effect they could export wool free of duty, for the customs which they paid were being delivered into their account, and the more money they handed over to themselves in this way, the more they were receiving for the farm which they had paid to the king. The following examples illustrate their relations with the nobility of the period. When the Countess of Leicester, Simon de Montfort's widow, died, she owed the Riccardi £600, and her will provided for the payment of an additional £400, if it were possible, by way of compensation.<sup>2</sup> The Earl of Lincoln, at his death in 1285, owed the same firm over 3,000 marks.<sup>3</sup> Roger Bigod incurred debts of over £1,000 and had to grant away two of his Irish manors to the Florentine merchants.<sup>4</sup> John Bigod, his brother, acknowledged a debt of £762 11s. 7½d. in 1278,<sup>5</sup> the Earl of Surrey £923 7s.,<sup>6</sup> Thomas de Clare £409 9s. 7d. (he too demised to the merchants one of his Irish manors).<sup>7</sup> Even a citizen of Hereford, John Mainward, could borrow 355 marks.<sup>8</sup> The Bishop of Winchester admitted an obligation of 4,000 marks, and paid a further 1,000 in compensation.<sup>9</sup> The Bishop of Hereford before 1258 borrowed 2,247 marks from Florentines.<sup>10</sup>

<sup>1</sup> Roxburghe Club, *Manners and Household Expenses*, p. 25; C.P.R. (1258-60), p. 257 and index, s.v. Luke; Tout, *Charters*, ii. 114, n. 1. L.T.R.M.R., no. 59, m. 13, contains their account for 1282-6.

<sup>2</sup> Green, *Princesses of England*, ii. 166. Edward I eventually discharged the debt himself, the countess's goods being quite insufficient. <sup>3</sup> C.Cl.R. (1279-88).

<sup>4</sup> L.T.R.M.R., no. 52, m. 11d., and no. 59, m. 11d. *Vide ib.*, no. 65, ms. 21, 32, for his debts to the king. In the account-rolls of his estates the only payments of any note are in 1279-80 and amount to £343 6s. 8½d. from Great and Little Framlingham (Min. Accts. 935/28-9, 997/3. Smaller dealings are common (e.g. in 837/10, 15).

<sup>5</sup> *Ibid.*, no. 51, m. 9.

<sup>6</sup> *Ibid.*, no. 58, m. 20.

<sup>7</sup> *Ibid.*, m. 15d.

<sup>8</sup> *Ibid.*, no. 53, m. 15d., cp. L.T.R.M.R., no. 37, m. 8, and no. 35, m. 15, where the same John admitted a debt of 13 sacks and 16 stone *de patria de Hereford*, for 80 marks, in 1262.

<sup>9</sup> *Ibid.*, no. 57, m. 8d.

<sup>10</sup> Jacob, *Studies*, p. 15.



We are now in a better position to appreciate the payments made from the Fortibus estates to the Riccardi on the authority of Adam de Stratton. Frequently the money is taken to York.<sup>1</sup> There can be little doubt that the money was so treated to save the trouble and expense of transport from Holderness to the Isle of Wight, or wherever the countess happened to want it. The Riccardi (she never had dealings with any other firm) thus seem to have been acting as Isabella's bankers, though only to the extent of a few hundred pounds a year. Whether the receiver-general made any payments to them is not known, for there are no household accounts.

It was not a revolutionary step. The extent to which the English nobility and the monasteries borrowed from the Italian merchants makes it probable that men were in the habit of sending money from place to place by paying in to the merchants at one end, and collecting from another branch of their company at the other. For it is natural to assume that the money was never carried about by the merchants at all. The sum was paid, and the receipt for it was carried to the countess.<sup>2</sup> If this receipt had no further use than to show that the bailiff was rendering a faithful account, there is no reason why it should have been carried off in this way: it would have been kept with the tallies and other vouchers for production at the audit. It is probable,

<sup>1</sup> e.g. in 1280-1 £762 was paid from Holderness to the Receiver: the money was taken to York in four instalments and four letters were taken to Adam de Stratton at London (1078/20). Smaller sums from Radston, Isle of Wight, and Harewood were similarly treated in the same year.

1286—£60 paid to the Merchants at York from Holderness . . . (1079/4)

1287—£100 " " " " " " " " (1079/6)

1287—Bailiff from Harewood three times at York and Beverley seeking the merchants *pro denariis eisdem solvendis* . . . (1077/28)

1288—A similar entry . . . (1077/29)

<sup>2</sup> A messenger took letters to the countess (1276-7) 'de denariis eisdem [i.e. the merchants] solutis in nundino S. Botulphi et ad recipiendum eos in Southampton' (1078/16). This is the £275 mentioned on p. 66, note 2. In 1277-8 £600 was paid from Holderness to the Receiver 'per manus Mathei Rugepel mercatoris de Luk' et per manus Ade de Stratton et litteras predicti Mathei per duas tallias' (1078/17). In 1287-8 'In expensis cujusdam portantis litteras mercatorum de Luk' ad Comitissam apud Rodistone pro denariis solutis eisdem mercatoribus 12d' (1077/27 Harewood). In 1281-2 messengers go from Holderness to London and Shrewsbury with the letters (1078/21). In 1290 similar letters are taken from Harewood to Isabella at Breamore (1077/30).

therefore, from the frequency with which letters from the merchants concerning money paid to them are carried to Isabella or Adam de Stratton, that these letters were used as drafts on the Lucchese bankers wherever the money was needed.<sup>1</sup>

It was convenient to describe the transaction in the account as a payment, but there are phrases which show that the price of wool, though it swells his nominal turnover, never passed through the hands of the bailiff at all—it was placed to Isabella's credit with the merchants of Lucca.<sup>2</sup>

#### (vi) STEWARDS

The origin of the steward is uncertain, for the Anglo-Saxon word *stigweard* is not found in any MS. earlier than the eleventh century, but the probable derivation of the first element from *stig* = a house or some part of a house<sup>3</sup> suggests that in the eleventh century the meaning was that which the thirteenth century would have translated by *senescallus hospicii*. In the glosses the steward appears as *economus*, *discoforus*, *discifer*. The steward at that time, however, was not yet the most important household official. Eadred in his will left 80 mancuses to every dish-thane, clothes-thane, and cup-bearer, but only 30 to every steward.<sup>4</sup>

<sup>1</sup> When payments were not made in this way the money was carried from one point to another by trusted servants, sometimes by a bailiff and his son, a bailiff and reeve, or by a chaplain and another clerk. The master warrenner of Holderness, William de Chilham, was much employed for this purpose in 1270–72. The carriage of money in bulk was expensive. Typical instances show expenses of 60s. for taking £84 from Cockermouth to Skipton, and £9 2s. 5d. for taking a total of £541 from Holderness to Isfield (Sussex), Crewkerne (Somerset), and London. These are much higher than the expenses said to occur on the Lacy estates. Prof. Baldwin in *E.H.R.* xlii. 186 gives the rate as 4s. to 6s. per £100, but without mentioning the length of the journey. In the Isle of Wight there was a tariff of customary payments for villein carrying-services to London, Winchester, or Devon. (B.M. Add. MS. 6166, p. 26.)

<sup>2</sup> Payment of £642 by bailiff to Receiver-General of which 'per manus Matthei Rugepel soc' Luk de Lukes in 37½ saccis lane £275 per litteram predicti Matthei et domini Ade de Stratton' (1276–7, 1078/16). In two of the accounts (1078/8, m. 2, 1078/8, m. 2d.) there is a gap in similar statements after *per manus*, i.e. the accountant does not know to whom he should charge the payment, because he has never really received or paid out the money.

<sup>3</sup> *N.E.D.*, s.v. steward, §1, 5. I owe to the kindness of Dr. Onions a précis of the Anglo-Saxon evidence for this word.

<sup>4</sup> Birch, *Cart. Sax.* iii. 75. Cf. Kemble, *C.D.* iv. 278/20: 'He that brings in more than he ought without the permission of the "steward" and the purveyors.'

Thus at an early date the office is associated with the household, and the Anglo-Saxon word continued to bear this meaning.<sup>1</sup>

Under the Normans there is no doubt of the importance of this office. The steward is now usually styled *dapifer*, a word of Gallo-Roman origin for the man who brought in the dishes. But the word is beginning to have a much wider significance.

In the twelfth century the steward's importance has grown; he is frequently his master's representative. At some period, as yet uncertain, it became usual on great estates for the functions of this office to be performed by two persons. Perhaps it was at the same time that the title *dapifer* was superseded in the Latin of the day by *senescallus*. In the thirteenth century we have to distinguish a *senescallus* proper, who might be, but very rarely is, called a *senescallus maneriorum*,<sup>2</sup> and a *senescallus hospicii*—an estates steward and a steward of the household. The latter is a person of lesser rank and importance than his colleague, who was at the head of the local administration supervising everything connected with the estates and acting as a connecting-link between scattered manors and the household. Throughout the thirteenth century, beginning with Stephen Langton,<sup>3</sup> this distinction is apparent on ecclesiastical and lay estates,<sup>4</sup> though the theorists seem to deal with only one official who combines supervision of the estates with that of the household.<sup>5</sup> The distinction is noteworthy because it shows the impossibility of using the word *senescallus* any more than the word *ballivus* to determine status. The household stewards

<sup>1</sup> In the *A.S. Chronicle* (an. 1120) the steward is coupled with bower-thanes and cup-bearers.

<sup>2</sup> Early in the fifteenth century Crowland Abbey has a *senescallus terrarum* (*al. generalis*) and a *s. curiarum*, of whom the former was the superior (F. M. Page, *Crowland Abbey*, p. 29).

<sup>3</sup> Miss K. Major, 'The *Familia* of Archbishop Stephen Langton', in *E.H.R.* (1933), xlviii.

<sup>4</sup> In a royal grant of 1269 (*C.P.R.*, p. 340) three 'stewards' of Richard, Bishop of Lincoln, are mentioned. In 1260 he had at least two (*ibid.*, p. 144).

<sup>5</sup> In *Fleta*, c. 72, written at the end of the century, there is a reference to a *Senescallus hospicii* who may be distinct from the land-steward. The stewardship of the Bishop of Durham's household was a sergeantry the tenure of which implied also being bailiff of all the Bishop's manors in Lincolnshire (*Arch. Aeliana*, ser. iv, vol. i, p. 198).

were on the whole lesser folk than the estates stewards. They did not possess any considerable amount of property; nor was the office a stepping-stone to public administrative work.

It has further to be noted that from the thirteenth century great men have often more than one estates steward, so that each is no more than a bailiff over a large group of manors. The earl marshal has his steward of Norfolk and Suffolk and his steward of Chepstow, the Earl of Lancaster his stewards of Clitheroe and Ightenhill. The Archbishop of York at some dates had two.<sup>1</sup> But the steward of Norfolk and the bailiff of Holderness show the point at which the two terms merge. Both appear to be men performing similar functions in holding courts, on occasion auditing the accounts of their bailiwick, and undertaking the manifold duties implied in the day-to-day supervision of the reeves.<sup>2</sup> The steward of England was supposed by the barons of Edward II's day to have a general supervisory power over the welfare of the land. Though it may well be doubted if this had ever been so, it is easy to see how the theory could be developed from a knowledge of what stewards did daily upon the estates under their control.<sup>3</sup>

It seems likely that the power of stewards in general was greater before the advent of a complicated system of accounts necessitating a body of auditors, to whom passed a share of their manifold functions,<sup>4</sup> and in those which they retained they would have to yield more and more to the authority of the clerks and others of their master's council. In the early years of the century men of wealth appear, rela-

<sup>1</sup> *Greenfield's Register* (Surtees Soc., 1931), p. xxv. 'Such appointments are not regularly recorded and there is no indication that this double stewardship lasted throughout the episcopate.'

<sup>2</sup> In the fifteenth century the office of steward had become nominal. Monasteries protected themselves by offering the dignity to magnates, and the few remaining duties were undertaken by deputies of little importance. At Oseney the abbot combined his title with those of receiver-general and steward of the household.

<sup>3</sup> A summary of the history of the *Senescallus Anglie* is given in Bémont, *Simon de Montfort* (1930), pp. 9-15, from which it emerges that we have no knowledge of any administrative duties claimed for the office except from a document of 1311-22 and from still later evidence.

<sup>4</sup> For example, in 1308 the steward of Clare pardoned an amercement inflicted in the Honour Court *per ordinacionem auditoris* (probably for *auditorium compoti*. (Ault, *Court Rolls of the Abbey of Ramsey and the Honour of Clare*, p. 80.)



tives of their masters:<sup>1</sup> and the notorious Falkes de Breauté had not disdained to serve in that capacity with Richard, the king's brother.<sup>2</sup> But the increasing complexity of private finance brought receivers and wardrobers to the fore, and the decline of private courts naturally lessened the importance of an official whose primary duties had long been judicial. If the history of private administration should ever be written, it would no doubt be found that a large portion of it could be brought under the heading 'The Decline of the Steward'. There is no doubt of the importance of the steward in the twelfth century. He was 'his lord's executive officer within the honour at large'.<sup>3</sup> 'The office was one of dignity and he was generally a man of influence within the honour.'<sup>4</sup> But stewards play a decreasing part in the relations between the Crown and the barons. In 1242 and after, for example, they were not required, as they had been in 1236 and frequently at earlier dates,<sup>5</sup> to act as collectors of scutage on behalf of the king. The decline and the change in the nature of scutages contributed to sap the power of the feudal court and the importance of the feudal steward.

It was the stewards and household officials who subsequently became sheriffs or judges. Mere bailiffs had to be content with the 'stewardship'<sup>6</sup> of those lands which they had already administered as bailiffs. The land-stewards were a distinct class. They were knights, themselves men of landed wealth. The bailiff might not rise to be steward, the steward does not undertake the lesser office. The steward is frequently his lord's representative,<sup>7</sup> the bailiff rarely more

<sup>1</sup> Farrer, *Fees*, ii. 266, shows a steward holding six knight's fees (A.D. 1160). Early thirteenth-century examples of relatives serving, in the Gaunt, Beauchamp, and Builli families, are in *Bridlington Cartulary*, p. 211, and L.T.R. Mem. Roll (typescript calendar in P.R.O.), pp. 211, 159, and for the Murdacs, *ibid.*, p. 19.

<sup>2</sup> *C.P.R.*, 1221, p. 294. <sup>3</sup> Stenton, *The First Century of English Feudalism*, pp. 73-8.

<sup>4</sup> *Ibid.*, 76.

<sup>5</sup> Mitchell, *Taxation*, p. 320. Cp. *Book of Fees*, ii. 637.

<sup>6</sup> It is noticeable that the central government used the word 'steward' in a looser sense than that common on private estates, e.g. a constable of Carisbrooke is described in an Assize Roll as the steward of Carisbrooke, and Robert de Stiveton, sergeant of the wapentake of Holderness, is in C.R.R. 186, m. 24, described as Isabella's steward when he acted for her in delivering seisin of certain land to Rémy de Pocklington (A.D. 1267).

<sup>7</sup> However, as in the twelfth century, though the lord 'will generally use his *dapifer* when he is compelled to find a deputy, the office does not of itself make a man his lord's representative' (Stenton, *op. cit.*, p. 76).

than a delegate. With the administration of justice in manorial courts, and the working of the commoner franchises, they were already familiar from experience on their own estates. They came of families in which public service was already a tradition. In entering the service of a noble lord or lady a man was not sacrificing his chances of a political career, for this was the first step along the path which led to a judgeship or administrative office under the Crown.<sup>1</sup>

Consequently a man did not take office with a lord and grow old in his service. Three of Isabella's stewards had served under other households,<sup>2</sup> and two others are nowhere mentioned in the accounts until they take office,<sup>3</sup> thus suggesting that they were imported from other groups of lands. It is certain that none of the Fortibus, Lacy,<sup>4</sup> Bigod, or Clare<sup>5</sup> stewards remained in office for more than a few years. The numerous instances of this, and the fact that men in other positions had also worked under other masters, all

<sup>1</sup> Robert Walensis, sheriff of Yorkshire in 10 John, was steward of Roger de Lacy (Cartularies of Fountains and Pontefract, *passim*). John le Conquest, steward to a lesser man, Sir John de Grey, in 1288, was afterwards coroner of Bedfordshire (Farrer, *op. cit.* ii. 313). Robert de Dimmock, one of Isabella's household, had the custody of the bishopric of St. Davids during a vacancy (*C.P.R.* 1297, p. 230). For two stewards who became judges of Assize and sheriffs, see Foss, *Judges*, ii. 362, 364. Richard de Asseton (*supra*, p. 17) became sheriff of Hampshire, and in 1297 was guardian of the Isle of Wight. Gilbert de Knoville became sheriff of Devon and a judge (*supra*, p. 30). Jordan de Kingston was sheriff of Hampshire in 1280. John de Oketon, a sheriff of Yorkshire, had been steward with Edmund of Lancaster and the Bishop of Durham (*R.H.* 108, 121). At an earlier date Fulco d'Oyri, Baldwin de Bethune's steward, received the custody of his master's lands (*Rot. Lit. Claus.*, p. 141). A similar conclusion is reached by Miss Cam concerning the Ely and Ramsey administrations (*The King's Government in East Anglia*). For examples of the private justices of the Abbot of Ramsey afterwards becoming royal justices of Assize, in the fourteenth century, see Ault, *Court Rolls of the Abbey of Ramsey*, p. xxxvi.

<sup>2</sup> Geoffrey Russel as steward of Wallingford (1278-81) (Farrer, *op. cit.* i. 145). A Geoffrey Russel was steward of the palatinate of Durham in 1271 (Lapsley, *County Palatine of Durham*, p. 175); Ralph de Grenham with the Earl of Cornwall (*infra*, p. 75, n. 3); and la Warre with Earl Warenne (*infra*, p. 75).

<sup>3</sup> d'Acre and Merley.

<sup>4</sup> *Chartulary of Pontefract*, vol. i, Appendix (a useful list of the Lacy stewards from 1187). There is an incomplete list of the Warenne stewards, 10 Ric. I-26 Edw. III, of Wakefield in MS. Dodsworth 140, fol. 45.

<sup>5</sup> In the *R.H.*, vol. i, Geoffrey de Mores (p. 179), Roger de Horn (p. 233), Roger de Scaccario and William de Bested (p. 519) are all described as *senescallus comitis Glovernii*, and William Talbeck and Ralph de Grenham are stewards of the earl of Cornwall (p. 507).

point to the inference that stewards commonly sought a wider experience than was to be found under one administrative system. On the other hand a number of hereditary stewardships are found.<sup>1</sup>

Whether Isabella's stewards received fixed emoluments does not appear. On estates where more than one was employed, the salaries were merely those of bailiffs in positions of similar responsibility.<sup>2</sup> Whatever the salary, faithful service was rewarded by a grant of lands.

The steward was, naturally, a sworn official. His oath has survived in a number of instances. Of these I may cite that of Beaulieu Abbey's steward for the Faringdon Grange:

Vous serretz feale e leal al abbe de Beauluy e a couvent, lealment lour serueriez en office seneschausie tochaunt lour maner de Farendon'. Les dreitiures e les bosoignes de mesme le maner lealment mayntendrez ea naun (*sic*) serez solom vostre poer les vsages e les costumes auxint par aide de gardayn qe serra pur le temps oue vostre poer garderez, e lour consayl lealment celerez, si deu vous ayd e les seyntz.<sup>3</sup>

For the purely feudal type of steward the Assizes of Jerusalem, though not written down until comparatively late, reveal the earlier practice, before the offices of estates and household stewards had been differentiated. Of baronial stewards there is nothing at all, but concerning the royal steward the detail is ample.<sup>4</sup> His office on the day of the coronation and at other important festivals was to *ordener le mangier dou jor*, to supervise all the arrangements for the feast, and not himself to dine until the king was disrobing. His duties began when the king, having robed, went in procession to the church, preceded by the steward carrying the sceptre. At all times the bailiffs throughout the royal demesne, but not officials of the household, were subject to

<sup>1</sup> See P. & M., *Hist. of Eng. Law*, ii. 134, for an action brought in 1263 for the stewardship of a manor under the writ *precipe quod reddat* (ref. to *Abbrev. Plac.*, p. 154). The stewardship of the Earl of Shrewsbury's lands in Shrewsbury and the keeping of Bridgnorth Castle were attached to the manor of Cleobury Mortimer (*I.P.M.* iv. 118). The stewardship of the honour of Montgomery was a sergeantry (*Cal. I.P.M.* vi, no. 52).

<sup>2</sup> e.g. the steward of Ightenhill was paid 20 marks (*de Lacy Compti*, pp. 15, 97).

<sup>3</sup> Brit. Mus. Cott. MS. Nero A. xii, fol. 147v. Cf. *Pinchbek Reg.* i. 337, and further instances *infra*, pp. 147-8.

<sup>4</sup> 'Assises de la Haute Cour: Livre de Jean D'Ibelin', in *Rec. des Hist. des Croisades*, t. i, pp. 407-8.

the steward. On entering office they took the oath before him, and at due season they rendered account to him. They took their orders from him, and he could set up or remove them. The steward had also control over all royal castles and their personnel,<sup>1</sup> but only a limited control over the castellans, who in some matters were responsible directly to the king. In the king's absence the steward took his place as judge, and, if there was no regent, in everything except command of the army. The steward of the kingdom of Jerusalem was thus an official with important ceremonial household duties, and at the same time had all the financial and judicial, but never military, work in which the baronial stewards of the west were constantly engaged.

On the Fortibus estates the day-to-day work of the stewards is not easy to picture, for the number of times in which the steward is given his title in the accounts hardly runs into double figures, and between about 1276 and 1290 it is not used. Although this is an obstacle that can be overcome, it is some indication of the amount of material likely to be derived from these rolls concerning the duties of men who are so frequently anonymous. Besides his duties as president of his lord's council,<sup>2</sup> the steward had to be ready to do or to check everything that a bailiff might do. The Fortibus steward orders straw to be kept and not sold, authorizes a payment to a goldsmith which had already been ordered by the countess, and makes a bargain with a mason to wall the front of the great chamber at Sevenhampton.<sup>3</sup> He would send the bailiff from Holderness to Skipton, Master Adam the Tailor to Boston fair and the Isle of Wight, his own messenger to Borley or Devonshire.<sup>4</sup> The Ramsey abbey steward had full control over the courts of the honour. He could pardon a fine for default or grant licence to agree out of court.<sup>5</sup> This holding of courts is indeed a function of

<sup>1</sup> Except pleas touching the person, honour, or fief of a liege knight.

<sup>2</sup> Walter de Scoteney, who tried to poison his master, is described by Matthew Paris as 'principalissimus et specialissimus consiliarius comitis Glovernie atque senescallus' (Matthew Paris, v. 737-8). Walter held 14½ fees of the countess of Hastings (Dugd. *Baronage*). William de Valence's steward is also termed 'principalis consiliarius' (ibid.).

<sup>3</sup> 1057/5 Sevenhampton (1272-3).

<sup>5</sup> Ault, *Court Rolls*, pp. 24, 41.

<sup>4</sup> 1078/12.



stewards that elsewhere stands out clearly in almost every manorial roll.<sup>1</sup> The impossibility of being present at each of fifty courts from three weeks to three weeks thrust this burden largely on the bailiffs, but the steward would come for the view of frank-pledge, or, if his lord did not possess this liberty on all manors, two or three times a year.<sup>2</sup> He would inquire into the due performance of services and payment of rents, and whether anything had been concealed or withheld. He could deal severely with reeves, but according to the *Seneschaucie* must not remove any liveried bailiffs without special command. If the bailiff were incapable 'soit mustre a son siegnur e a son consail'.<sup>3</sup> The more important cases were reserved for his coming, or might even be delayed till the arrival of the lord at that manor. There was for example at Skipton in 1267 some kind of dispute over the quantity of arms which had been in the possession of the constable in the time of the last earl. When the steward and Ralph de Bray, the confidential clerk, came in August to audit the accounts, the widow of this constable (Henry de Cheshunt, who had also been sheriff of Holderness) handed over to them five cross-bows and three spears, which her husband had received, she said, from Sir William de la Twyere. It seems to have been hinted that many other weapons were delivered to William and Henry on the earl's death, and so the arms which the widow had brought were solemnly entrusted to two men until the next arrival of Isabella de Fortibus or her steward. 'Et interim inquiratur de armaturis et balistis remissis post mortem predicti comi-

<sup>1</sup> The Bury St. Edmunds steward is not an estates steward, since he could not interfere with the manors without the special command of the abbot. He was, strictly speaking, a steward of the liberty.

<sup>2</sup> Cf. *Office of Seneschal*, p. 84. D. C. Douglas in *Oxford Studies*, ix. 138, mentions a knight who owed suit 'ad curiam de Lyndon in adventu senescalli'.

<sup>3</sup> *Office of Seneschal*, p. 86. It is clear from the Fortibus accounts that the steward did not normally visit a manor more than two or three times a year. The evidence on this point is still more abundant in the earl marshal's accounts. From the latter a typical entry is 'In expensis senescalli per ii dies pro Curia tenenda circa [18 Oct.]' (935/19). In the Rolls of the God's House (Southampton) manors, at The Queen's College, the same system prevailed, e.g. 'In expensis Johannis le Flemmyng et fratris Reginaldi venientium pro una Curia tenenda' (Heckley, 12 Edw. II). This is headed *expense senescalli*. These estates were not large, so it was possible for the steward to hold four courts a year—seemingly on each manor—to view the *status manerii*, and make the view of account.

tis, et inquiratur in quorum manus remiserunt et qui fuerunt executores ejusdem comitis et predicti Henrici de Cestrehunte.<sup>1</sup> The trouble may have arisen when an attempt was made to garrison the castle earlier in the year.<sup>2</sup> It thus provides an interesting example of the pressure under which the steward worked, since he could not stay to hear the result of an inquiry which was to determine the simplest of facts. It suggests, too, the difficulty of interpreting similar notes, which read like formal memoranda dictated by auditors, for it is inconceivable that the auditors did not know the names of Earl William's executors.

When the steward was not occupied in settling local disputes<sup>3</sup> or holding manorial courts, there was still no lack of business. He might, like La Warre, have to act as the Countess Isabella's attorney in the king's court, because for eighteen months she was staying in the island by the king's orders.<sup>4</sup> So protracted an appointment was unusual, but stewards had frequently to represent their masters in important cases. On these lands they could not attempt to transact all the legal business, for there were usually a few pleas of debt pending in the exchequer, which, together with juries to be taken to whatever eyre happened to be in progress and suit to shire courts, combined to form a continuous stream of litigation necessitating a large number of attorneys and two or three salaried *narratores*.

At other times the steward might be occupied in acting as receiver-general, for until 1274 Isabella's household knew no clear distinction between the functions of these two officials, thus contravening the precepts of the theorists, to whom the steward was a non-accounting official.<sup>5</sup> And when

<sup>1</sup> 1087/6 m. 2d. In the *Wakefield Court Rolls* a case of assault (p. 10) and one of suit of mill (p. 29) is reserved for the steward. Cases of stealing venison (p. 12), a stranded doe (p. 210), and pasture rights (p. 58) are reserved for the lord himself.

<sup>2</sup> The memorandum which gives this information is on the Skipton account for the half-year ending in August 1267.

<sup>3</sup> See a letter attached to the Court Roll of Brightwalton from the Abbot of Battle's steward, giving legal advice on a question of tenure, and reflecting upon the incompetence of his predecessor. (Maitland, *Select Pleas in Manorial Courts*, i. 166.)

<sup>4</sup> *C.P.R.* (1266-72), pp. 537, 601.

<sup>5</sup> 'Senescallus vero nihil recipiet de denariis domini sui, sed ab omni compoto liber esse debet et quietus, precepta tamen sua advocare tenetur' (*Fleta*, p. 160). But the same writer says, 'Item senescalli officium est qualibet nocte per se vel per substitutum, per dominum tamen de expensis hospitii cum emptore . . . computare' (*ibid.*,

he had prepared his own account there remained the annual task of auditing the accounts of others, for on the Fortibus estates the steward was the chief auditor.<sup>1</sup> There was all this to be done in addition to the appointment of bailiffs, the making of extents, the issue of writs of *liberate* to reeves in remote parts, writs authorizing a clerk to collect rents or arrears in a certain bailiwick, or letters of advice on agricultural problems.

The succession of Isabella's stewards raises a number of interesting points.<sup>2</sup> There were two, Ralph de Grenham<sup>3</sup> and Geoffrey Russel,<sup>4</sup> about whom little is known, before John La Warre took office (1268-74). The La Warres, who gave their name to Wickwar in Gloucestershire, were an official family who had been settled in the south-west for generations. They held land in Bristol and a branch of them settled in Dublin early in the twelfth century.<sup>5</sup> John La Warre, father of the first Lord Delaware, appears in 1261 as steward to Earl Warenne.<sup>6</sup> In 1265 he is found as constable of Bristol on the baronial side,<sup>7</sup> and in the same year he supported the Countess of Leicester in Dover Castle with a body of archers.<sup>8</sup> After fighting with de Montfort at Evesham,<sup>9</sup> he betook himself to Kenilworth, where he was 'maister of echon'. The gallant history of his 'stalewardemen' in the beleaguered castle is well known.<sup>10</sup> They marched forth unconquered, and the commander of the garrison soon

p. 161), thus apparently confusing the offices of estates steward and steward of the household.

<sup>1</sup> For the steward as chief auditor see p. 137 *infra*. At God's House, Southampton, the steward was an accounting official. He appears to have had supreme financial control.

<sup>2</sup> For the household stewards see Chapter I.

<sup>3</sup> A Ralph de Grenham became sheriff of Rutland in 1248, and a Ralph de Grenham was steward to Richard, Earl of Cornwall, about 1256 (*P.Q.W.* 728, *R.H.* i. 507).

<sup>4</sup> *Supra*, p. 70, n. 2.

<sup>5</sup> Round, *Peerage and Pedigree*, i. 55. See further, App. V.

<sup>6</sup> A.R. 911, m. 6, cited by Jacob, *op. cit.*, p. 354. The possession of Folkington (see Appendix) is proof of identity.

<sup>7</sup> *Misc. Inq.*, no. 866, and *C.P.R.* (1258-66), p. 425. On p. 429 he is described as sub-constable.

<sup>8</sup> *Manners and Household Expenses* (Roxburghe Club), p. 85.

<sup>9</sup> *Ann. Lond.*, p. 74.

<sup>10</sup> *Robert of Gloucester* (R.S.), ii. 771. It is possible that the cynical spirit which permitted the mock excommunication at Kenilworth is reflected in the name of one of his horses—'the gardener'.

resumed his professional career.<sup>1</sup> He and Hugh de Hastings were singled out in the *dictum* to pay seven years' value of their lands, *eo quod magis deliquerunt*, whereas the others captured in Kenilworth paid only five years' value.<sup>2</sup> In 1268 he took service as estates steward with Isabella, and left in 1274 enriched by the manor of Whitchurch. He then became sheriff of Herefordshire, though only for a year. The payment of a debt of £5 to him from Sevenhampton, in 1275, points to a final settling up between the steward and his mistress in which the former was not found wanting.

It is significant that the leader of the Disinherited should have been not merely a stout warrior, but an experienced professional man, skilled in administrative problems. Even the great baronial leader, Sir John Fitz-John, could act as one of Isabella's auditors.<sup>3</sup> If, as has recently been asserted of an earlier period, every baron was a politician,<sup>4</sup> it may be added that most knights were administrators. It would be easy to be misled by the fact that La Warre is styled *senescallus* frequently, while his successors are rarely so called, or because more is known of his personal history; but it is during his term of office that most is learnt of the household and estates of Isabella de Fortibus. It is during this time that evidence is forthcoming which enables us to distinguish between the greater and lesser chamberlains and to say something of their functions. The abundance of incidental detail available during these years suggests that La Warre imprinted his personality on the administrative system and demanded a more scrupulous exactness from all accountants than those that followed him.

When La Warre left office in 1274 affairs seem for the moment to have been disorganized. The smooth working of the audit cannot have been easy: it was taken by seven different men in various parts of England. La Warre's two successors, Godfrey de Acre and William de Merley, each held office for only a year. Though they were in turn chief auditors, they were possibly not endowed with all the func-

<sup>1</sup> He had to redeem Wickwar from Robert Waleraund for £130. K.R.M.R., no. 42, m. 26d.

<sup>2</sup> *Ann. Dunstable* (*Ann. Mon.* iii), p. 243.

<sup>3</sup> *Min. Acct.* 1118/7.

<sup>4</sup> F. M. Powicke, *Stephen Langton*, pp. 121 ff.



tions of the earlier stewards, for there is no record of any payments made to them.<sup>1</sup>

In 1277 begins the stewardship of the great Christian usurer, Adam de Stratton,<sup>2</sup> already known to history for his demerits. He is worth some consideration, for he rivals his twelfth-century predecessor, William Cade, in the extent of his wealth, while concerning his methods far more is known. He was the son of Thomas de Argoges (or Arwillis) of Stretton St. Margaret's, in Wiltshire, where a family of that name had been settled since the twelfth century.<sup>3</sup> Adam 'de Argoges' occurs in 1256 as clerk,<sup>4</sup> and in 1263 as deputy chamberlain<sup>5</sup> of the exchequer. By 1260 he was a financier with an established position, and had begun his practice of buying up debts owed to Jews, for in this year he had acquired all the estates of John son of Saer, in Shenley, Rotherhithe, and London.<sup>6</sup> In 1264 he is 'de Stratton',<sup>7</sup> a change of style implying probably a recognition of the fact that he was already a considerable landowner in Stretton before he received the overlordship of that hamlet, as an appurtenance of Sevenhampton, in 1276.<sup>8</sup>

It was, however, not Isabella who set his feet upon the ladder, for he was one of the executors of her brother's will—an office implying an intimate acquaintance with the affairs of the earldom of Devon. He had, in fact, been Earl Baldwin's attorney in a case *coram rege* over a weir at Exeter in 1260.<sup>9</sup> He was probably older than his mistress, for he

<sup>1</sup> Their status is, however, proved by a joint complaint from all the bondmen of Harewood seeking the restoration of a customary wage of 6s. 3d., which Geoffrey de Acra had taken from them, paid for mowing a meadow, and the abolition of a new exaction of 6s. 8d., and the repossession of certain lands which William de Merley, formerly steward, had taken from them. (Min. Acct. 1077/28 schedule.)

<sup>2</sup> On 18 October were issued letters of protection for Isabella de Fortibus and Adam de Stratton, till Easter (*C.P.R.* (1272-81), p. 233.)

<sup>3</sup> *The Ancestor*, July 1903, pp. 177-8.

<sup>4</sup> *L.T.R.M.R.*, no. 32, m. 6d.

<sup>5</sup> *Ibid.*, no. 36, m. 8.

<sup>6</sup> See further Page, 'Excursus on Sir Adam de Stratton', in *Starrs and Jewish Charters* (Jewish Hist. Soc., 1932), pp. lxxvi-lxxviii.

<sup>7</sup> *L.T.R.M.R.*, no. 38, m. 6.

<sup>8</sup> *Ancient Deeds*, vols. ii-iv, indexes s.v. Argoges. Adam (see *D.N.B.*) is sometimes confused with a namesake who became sheriff of Flint in 1327, and about whom little else is known. A third Adam de Stratton was hanged for felony about 1286 (*Misc. Inq.*, no. 1402).

<sup>9</sup> *Close Rolls* (1259-61), p. 218. He also acted as receiver at the exchequer for Isabella's mother, Amice, the dowager Countess of Devon, being particularly active

was already a successful civil servant living in London before he became Isabella's deputy at the exchequer.<sup>1</sup> As Master of the Works at Westminster,<sup>2</sup> a matter near the king's heart, he was the recipient of many favours.<sup>3</sup> In 1264 he was superintending the decoration of the king's chamber at Woodstock.<sup>4</sup> In that year, if not earlier, he settled in Smale-lane, behind the Fleet prison, outside Newgate on the way to the river Fleet.<sup>5</sup> From this centre he pursued his industrious but unscrupulous career, accumulating lands in the home counties, rectories all over the kingdom,<sup>6</sup> and numerous annuities from the knights and yeomen who fell into his clutches. He was at the same time looking after the interests of his brothers Henry and Thomas, who in 1266 received 6*d.* a day for life at the exchequer.<sup>7</sup> It is unlikely that he was ever long absent from London: his duties at the exchequer demanded his presence until he received that office in fee. In 1274 he was one of the justices for tallaging the Jews.<sup>8</sup> Even when he became more closely associated with the

in this capacity in 1269. The first payment to him by Isabella, through the bailiff of Holderness, falls between September 1266 and June 1267—£11 4*s.* 4*d.* (11118/16).

<sup>1</sup> In 1264 he acquired 'by way of mortgage' the office of weigher of the exchequer (*The Dialogus de Scaccario*, ed. Hughes, Crump, and Johnson, p. 22; cf. *Misc. Inq.*, no. 1626), and by 1290 had also obtained half the ushership of the Receipt (*ibid.*, p. 24).

<sup>2</sup> In 1263-4 (*C.P.R.*, pp. 293, 354) and in 1270-2 (*C.P.R.* (1266-72), pp. 412, 533, 633).

<sup>3</sup> e.g. in 1267 he was given 50 marks and the same privileges as the barons and other ministers of the Exchequer. (Close Roll, 52 Hen. III, m. 8*r.*)

<sup>4</sup> K.R.M.R., no. 48, m. 3.

<sup>5</sup> *Anct. Deeds*, A. 2177, 2328, 2391, 2604, 2637, 2699, 5814, 7482, 7829. It is clear from these that this house in St. Sepulchre's was Adam's head-quarters. For his other London property see *ibid.*, A. 1515, 1870, 2433, 2577, 2636, 2684. For his 2½ fees of the honour of Curcy see *R.H.* ii. 731, and for land in Essex *Anct. Deeds*, A. 512 (Harenhull), 805 (Cowyk), 816 (Stapelford): and *ibid.*, A. 87, for land in Upton, Berks. Adam acquired Edgeware from Henry de Lacy (*Cal. Fine Rolls*, i. 270, cf. *Anct. Deeds*, A. 1737, 2267, 2298), and held the three manors of Winterbourn, Bockhampton, and Swanage for twenty years from the Prior of Winterbourn Monkton, to whom they were restored in 1290 (*Anct. Deeds*, A. 256, 239, *Cal. Fine Rolls*, i. 272, and cf. *C.P.R.* (1270), p. 476). Some of his debts are mentioned in *Rot. Parl.* i. 196 a.

<sup>6</sup> Isabella gave him the rectories of Skipsea (Holderness) and Whitchurch (Oxon.). *Reg. Gravesend* (Cant. and York Soc., p. 231, A.D. 1276); cf. *Anct. Deeds*, A. 6237. For other rectories see *Anct. Deeds*, A. 446-7 (Bromfield, Essex, 1284), *Reg. Gravesend*, pp. 38 (Coningsby, 1269-70), 118 ('Sywell', 1271), 188 (Langley), 223 (Checkendon, 1272).

<sup>7</sup> *Foedera*, i. 518.

<sup>8</sup> *C.P.R.* (1272-81), p. 61.

administration of Isabella's estates he did not travel far.<sup>1</sup> He never attested her charters and never audited her accounts, but letters from him are carried all over England by her messengers and the replies are always taken to London.<sup>2</sup> It was shortly before he took control of Isabella's income that Adam received the chamberlainship of the exchequer in fee, an office with which he was already acquainted as deputy.<sup>3</sup> The transaction, on the face of it, seems one-sided, for the manors appurtenant to the office—Sevenhampton, co. Wilts., with its members and the hundred of Highworth—yielded a clear yearly profit of £100 to £150, derived chiefly from the sale of grain.<sup>4</sup> Even before this, Adam was a man of property, with his own steward, John of Barking, and his own system of view and audit of account.<sup>5</sup> The grant of an estate worth in modern figures at least £2,000 a year requires some explanation. If it was not through mere love of her brother's faithful servant, it was perhaps part of an agreement with Adam that he should in return undertake the management of her income. He was already, in 1275–6, her agent in the matter of Sir John Fitz-John's will. Isabella was one of Sir John's executors,<sup>6</sup> and all the writings obliga-

<sup>1</sup> The so-called 'mission to Wales' mentioned by Mr. Page (in *Starrs and Jewish Charters*, by Israel Abrahams, Canon H. P. Stokes, and Herbert Loewe, 3 vols., Jewish Hist. Soc., Excursus on Adam de Stratton, p. lxxvii) depends on two references to the *C.P.R.* (1272–81), pp. 233, 344 (*sic: recte* 244), of which the first is a protection for Isabella de Fortibus and Adam de Stratton until Easter, dated at Shrewsbury, 18 October 1277; and the second, relating to an assize in London, merely says that Adam 'cannot attend to his defence by reason of being engaged on the King's affairs', i.e. as chamberlain of the exchequer. The statement that Adam was 'in prison for an offence not stated' in 1273, referring to *C.Cl.R.* (1272–9), p. 515, is misleading, as the year was actually 1278 and the cause obviously the Quarr Abbey case.

<sup>2</sup> Typical entries are: 'In expensis Computatorum anni precedentis, cum i lettera missa per eodem domino Ade de Stratton Lond' 7s. 7½d.' (5 Edw. I, 1078/16, Easington), 'In diversis nunciis missis domino Ade de Stratton et Roberto Bardolf et in expensis prepositi et aliorum deferencium denarios apud Londonias'. An entry in another part of the account shows that the sum was £59 10s. and that it was paid, at London, to the merchants of Lucca, *per litteram domini Ade de Stratton*. (1118/21, Borley, 9 Edw. I.)

<sup>3</sup> See Appendix VI.

<sup>4</sup> This estimate is derived from a study of the accounts. For the liberties, &c., see *P.Q.W.* 808, *Cal. I.P.M.* iv. 82.

<sup>5</sup> Min. Acct. 849/31–3. For Widford (Herts.). No. 31 is the draft of No. 33 which is the counter-roll audited by William de Stratton and John of 'Wydihulle'.

<sup>6</sup> *Reg. Epistolarum J. Peckham* (R.S.), iii. 1074.

tory connected therewith were delivered to Adam, who, with all his knowledge of quick ways of levying debts, did not terminate the account in his lifetime.<sup>1</sup>

La Warre, and so far as is known the earlier stewards, accounted for a large part of Isabella's revenues. The known payments to him during his last year of office were over £600. It was equally contrary to the theories of the day that he should also act as chief auditor in 1274. After La Warre's death this system was not continued. It was replaced by a more elaborate and efficient financial organization, which may without hesitation be attributed to the subtle financier, whose Renaissance methods were earning him an unsavoury reputation. Adam de Stratton is never styled steward (or anything, save *dominus*) in the accounts, but during this period no one else is so styled. The stewardship of the estates, properly speaking, seems to have been in abeyance. Adam's position was anomalous, for though he never went round the manors,<sup>2</sup> he was the supreme authority. All important financial transactions took place by his command. From his house in the city he controlled the distribution of the cash surplus from all the Fortibus estates. The money was sometimes paid to Adam, sometimes to the receiver, but there were no large payments to the latter without written authority from Adam de Stratton.

A more significant mark of the change of control than this reorganization of offices was the improved machinery of collection. The existing connexion with the Italian merchants made it a simple matter to adopt a system of payment by bills upon the merchants of Lucca which greatly expedited the accumulation of cash. Accordingly it was no longer necessary to dispatch large sums from the northern estates to the island. At the worst the money would have to travel between Burstwick or Harewood or Cockermouth to York, where it was received by Isabella's bankers, the Riccardi of Lucca.

Another change, of which it is not easy to estimate the

<sup>1</sup> Anct. Pet., File 275, no. E. 693 (A.D. 1305): the petition of Isabella's executors to the Crown for these writings.

<sup>2</sup> He visited the Isle of Wight at least twice: and cannot have been popular there. Cf. *infra*, p. 82.



significance, was the substitution of villein receivers for bailiffs at the local receipts of Holderness and Cockermouth. This, coinciding as it does with the date of Adam's coming in, and the adoption of drafts on foreign bankers, must surely be connected with the supremacy wielded by the great financier. It is a point not susceptible of direct proof, but the probability is strong. The two features of the new system, the undoubted financial autocracy of Adam, by whose writ all big sums were paid, and the use of money-bills, savour of clear-cut principles which find an extended application in the differentiation of function between the auditors and the steward. Reform is carried beyond the household and the work crowned by distinguishing between the financial and administrative duties of local officials. The bailiff is stripped of his work as rent-collector and receiver, and these matters are handed over to serfs elected by their fellows to hold office, apparently, during pleasure. One result of this was certainly, and it sounds somewhat sinister, to enhance the already unusual authority of Adam de Stratton. The bailiffs of Cockermouth and Holderness had no apparent control over the receivers. They were responsible directly to the household, and they rendered a separate account.

As one of the Fortibus officials Adam exhibited those qualities of unscrupulousness and resource for which he is notorious. In 1278 Adam, acting in Isabella's service, had cut off the seal from a Quarr Abbey charter and was convicted of so doing. This was not an isolated crime: but hitherto Adam had not openly attacked men who were in a position to retaliate. The Abbot of Quarr's appeal to Parliament and the consequent inquest<sup>1</sup> resulted in an order to preserve the charter in its torn state in the safe-keeping of Ralph de Hengham, and in the deprivation of Adam.<sup>2</sup> This was the first time that his methods had been really exposed. His action as a private steward now caused inquiry into his public character. Those who had suffered at Adam's hands, as chamberlain or as keeper of the king's works, were, in the summer of 1279, invited to send in their complaints.<sup>3</sup> The

<sup>1</sup> *Cal. Ch. R.*, p. 211.

<sup>2</sup> Jacob, in *T.R.H.S.* (4th series), x. 46.

<sup>3</sup> *K.R.M.R.* 7 Edw. I, m. 6.

*querelle* which followed upon this—yet another unnoticed instance of that effective weapon against evil-doers—show that the invitation was interpreted broadly by both petitioners and judges. All the cases upon the surviving membrane<sup>1</sup> deal with Adam's behaviour as a private person or as an official of Isabella de Fortibus. In the latter capacity Adam had asked to see, for purposes of verification, a charter belonging to one Joan Pauline, by which she had a corrody in return for a demise of land to the countess. Adam then refused to return the charter, and stopped the payment of the corrody. Though he afterwards restored part of the land he gave part to the countess's tailor. Adam was ordered to wage his law, but Joan withdrew her complaint.<sup>2</sup> Adam was at this time (1278–9) in Isabella's service as her chief official, and there is nothing to show that she reposed any less trust in him after he had torn the Quarr charter and cheated Joan Pauline. It is possibly to be laid to his credit that he never tried to shelter behind his mistress. The whole subject of their personal relations is, however, still obscure. Adam, whether or not through Isabella's intercession, was restored to the chamberlainship—no doubt, as the Dunstable annalist suggests, through his ability to buy the favour of the Crown.<sup>3</sup> It is not quite clear how long the new order continued, but from 1277 until at least 1286 Adam de Stratton held a position of unique responsibility.<sup>4</sup> It is a curious picture: the biggest moneylender in England so closely associated with the 'famous and potent dowager'. For a decade his word is law upon her numerous manors. Yet with the exception of the Redvers family Adam did almost no business with the great nobles of the realm.<sup>5</sup> They

<sup>1</sup> Exchequer of Pleas, plea rolls, no. 8, m. 8. '*Querelle facte coram baronibus et coram Johanne de Vesci, Luca de Tany, et Waltero de Heyburne—videlicet de Adam de Stratton, per preceptum domini regis*'. Printed with another case relating to Adam in *Select Cases in the Exchequer of Pleas* (Selden Soc.), pp. 98–101.

<sup>2</sup> This plea is undated: others reach back to 1271. *Anct. Correspondence*, vol. xi, no. 103 is Joan's original bill of complaint, in French.

<sup>3</sup> *Ann. Dunst.* (R.S.), p. 359.

<sup>4</sup> With the exception of one unilluminating payment to him in 1288, Adam's name does not occur after 1286 in the accounts, but this is possibly due to their scarcity. 1283–5 is also a blank, but there are only two rolls for these years.

<sup>5</sup> Earl Warenne, however, owed him a considerable sum in 1288 (*Anct. Deeds*, A. 7067).

preferred as a rule to sow their debts amongst Italian firms of good standing.<sup>1</sup> Although the memoranda rolls of Edward I's reign abound with recognizances in Adam's favour, the bulk are from men of little importance.

Though in 1280 he weathered the storm aroused by the quarrel with Quarr Abbey, Adam did not alter his habits. At the same time that he administered the Fortibus finances he was acquiring a strangle-hold upon the Cluniac priory of Bermondsey, from which he at one time claimed £6,000. For nearly twenty years he battered upon the monks, involving also the priories of Wenlock and Northampton in his schemes. It was, according to Bartholomew Cotton, the forgery of a grant from Bermondsey Priory that finally caused his downfall.<sup>2</sup> His misdeeds even reached the king's ears in Gascony, and upon Edward's return Adam, though not himself a judge, was put upon his trial with the corrupt judges. Soon he was deprived of the office of chamberlain (17 Jan. 1290)<sup>3</sup> and his other temporal possessions.<sup>4</sup> The process was lengthy, for Adam had great fertility of resource.<sup>5</sup> By 12 June 1291 his friends, who are not specified, had procured him a pardon for 500 marks, payable within two years.<sup>6</sup> He was also to make confession and to release to the Crown his right in all his property which had been confiscated *before* his imprisonment. His goods which had come into the king's hand *by reason of* his imprisonment would be restored, and the episcopal sequestration upon his spiritualities would be released.<sup>7</sup> This distinction bears out Cotton's story, that his temporalities to the value of 50,000 marks were confiscated when he was first committed to the Tower, but that he retained his ecclesiastical rents to the value of £1,000.<sup>8</sup> This would have left Adam quite comfortably provided for—as wealthy as many barons. The Crown could afford to be generous, for in Adam's house was found

<sup>1</sup> *Vide supra*, p. 64.      <sup>2</sup> Rose Graham, *English Ecclesiastical Studies*, pp. 102 ff.

<sup>3</sup> L.T.R.M.R., no. 61, m. 8d.

<sup>4</sup> *Cal. F.R.* i. 271, 273 (Feb.–April 1290: forfeiture for felony mentioned).

<sup>5</sup> For the details see *State Trials*, ed. T. F. Tout and H. Johnstone, and Dr. Hall's remarks in *The Red Book*, iii, pp. cccxxv–cccxxvii.

<sup>6</sup> *Rot. Parl.* ii. 42 b, which recites the document on the Fine Roll (*C.F.R.* i. 293) but gives '12 June' for '14 June'.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Barth. Cotton*, pp. 171, 173, 180. Cp. *Ann. Dunst.*, p. 357.

money, old and new, to the value of £12,666 17s. 7d.<sup>1</sup> Adam's nephew and heir in 1330 petitioned for the manor of Sevenhampton, and went on to say that Adam had been pardoned for 500 marks, citing the Pipe Roll in proof of payment.<sup>2</sup> The fine, then, must have been paid between June and the end of September (1291). However, the Bermondsey case was his downfall, and at Midsummer 1292 and in Aug.—Sept. Adam was certainly serving his sentence in the Tower, though he continued to win cases by attorney before the *auditores querelarum*.<sup>3</sup> Before the year was out he was finally condemned. In 1292–4 he is spoken of repeatedly as a felon and by August 14 of the latter year he was dead.<sup>4</sup>

This account of the work of Adam de Stratton gives some sort of dramatic unity to a career that is amazingly dissipated. Adam's activities after he left the Office of Works at Westminster have hitherto seemed to consist of innumerable petty transactions with unfortunate wretches whose debts he had bought. But here is a solid background to that march from crime to crime. He had risen as a clerk to the Earl of Devon. He had increased in favour with the dowager countess and her daughter, and at last—in 1276—he won full confidence. He was trusted implicitly for years. But it may be suspected that Isabella discovered him in time. She had long ceased to employ him when he was finally ruined in 1291. It is permissible to wonder whether she could have saved him as he was saved in 1279. Doubtless, however, she had no motive: for the last seven years of his life he had no part in the administration of her estates.

<sup>1</sup> £11,333 6s. 8d. of this was in new money, the rest in old. Pipe Roll no. 138 (21 Edw. I), m. 26: this account runs to Nov. 20, 1292.

<sup>2</sup> 19 Edw. I, London account. I have not verified this.

<sup>3</sup> *State Trials*, pp. 88–9. Some of Adam's property seems to have been confiscated 18 Feb. 1291 (*C.Cl.R.*, p. 341).

<sup>4</sup> *L.T.R.M.R.*, no. 65, m. 98. Adam's biographers have all erred in suggesting that he lived on into the fourteenth century. The entry which has been relied upon to prove this alludes to his forfeiture but does not imply that he was alive (*C.P.R.* (1301–7), p. 120, cf. p. 123). It seems probable, unless there was a fourth Adam de Stratton, that he was murdered (*C.P.R.* (1304), p. 212). The chroniclers agree in estimating his wealth at vast sums—from 30,000 to 50,000 marks (e.g. Cott. MSS. Faust. A. viii, fol. 173, and Nero A. vi, fol. 32; see also *The Red Book*, p. cccxxiii); and in petitioning for the restoration of some portion of it Adam himself assessed the confiscated property at 26,000 marks (*Rot. Parl.*, i, no. 57).



During the period of Adam de Stratton's dominance much of the administrative work which would in earlier days have fallen to the estates' steward was undertaken by Robert Bardolf and, after 1283, by Robert Dimmock. The latter came of a family connected with the exchequer, and was not himself a knight. Of the former nothing has been discovered.<sup>1</sup> Each in turn was at the head of the itinerant audit, and the former acted for Isabella when occasion arose, at the exchequer or in Eyre. In 1280 he rendered account at the exchequer for the issues of the manor of Swaineston, in the Isle of Wight, and was there again in 1281, as one of Isabella's representatives, to receive the homage of a tenant of the honour of Walbrook—the first occasion upon which that honour is mentioned. In 1278 he had been for some weeks with Thomas de Weston at the Yorkshire Eyre.<sup>2</sup> From 1286 to 1289 the organization, then, is doubtful, but in 1290 the earlier practice was resumed in a modified form, when a knightly steward, John de St. Helena, the last of the series, came into office. Once again the steward and receiver seem to have exercised a concurrent authority. The steward again takes his place at the head of the audit, and the receiver once more receives payments made without a written mandate from the steward.

John of St. Helens seems to have sprung from a typical official family.<sup>3</sup> He had once been a rebel with Sir John Fitz-John,<sup>4</sup> had long been a member of the household, and though he took office as an old man he never acquired the position of the early stewards. He was often engaged upon litigation on Isabella's behalf, notably with the Abbot of Quarr,<sup>5</sup> but he never handled any large sums of money.

<sup>1</sup> But cf. *infra*, p. 137, n. 2.

<sup>2</sup> Min. Acct., 1077/27, m. 3, Harewood.

<sup>3</sup> Brit. Mus., Stowe MS. 925, fol. 140. A Sir William de S. Elena was Richard de Clare's steward in 1249. John married Juliana the daughter of Alan de Farnham, sometime sheriff of Berkshire. It was no doubt a member of the same family who became steward of Abingdon Abbey, and was bribed by Hugh de Courteney, Earl of Devon, 'ut panellum de iure comitis informaret', as a result of which the patronage of the church of Sutton, in dispute between the abbey and the earl, was adjudged to the latter. (Abingdon Chronicle in *E.H.R.* xxvi. 727.) From Isabella he acquired the manor of Crowell, co. Oxon., which he held at his death in 1295 as of the honour of Christ Church Twynham, for one fee.

<sup>4</sup> Jacob, *op. cit.*, p. 234.

<sup>5</sup> Min. Acct. 984/8, *curia militum*, 1279–80.

### III

#### PRIVATE JURISDICTION

##### (i) HONOUR AND BARONY

THE history of franchises in their relations with the Crown before the time of Edward I is one of increasing definition and control. In William I's reign the first feudal rebellion seems in part to have been caused by the interference of the sheriffs within the great honours, and the reign of Henry I offers further evidence.<sup>1</sup> The *cartae* of 1166 are evidence of a determined attempt to take advantage of any increase in the military strength of the barons, and the Inquest of Sheriffs of 1170, of an effort to limit the extortions of private as well as Crown officials.<sup>2</sup> On the jurisdictional side, the revival of the shire and hundred courts by Henry I in 1109—henceforth cases between the men of different lords are to go to the shire—and the use of the writ *praecipe* by Henry II and his successors, make impossible any considerable growth of honour courts. From the time of Richard I writs of *Quo Warranto* begin to be used, and by the end of the thirteenth century private liberties are, with increasing frequency, violated or superseded by the new writ *non omittas propter libertatem*. It is clear that baronial privileges, in so far as they are retained, are daily being brought more immediately into contact with the Crown.

For the period when private courts flourished the evidence is fragmentary. The rolls begin only in the late thirteenth century, when few of the greater courts did much real business. Further, for the twelfth century Glanville attests only the civil jurisdiction: his one brief book on the criminal pleas of the Crown is silent on the powers of baronial courts. Bracton has much to say of this, but regards it all as franchisal. Some modern writers have decided to distinguish feudal (or baronial), franchisal, and domanial jurisdiction. Over the last there is little need to linger, though we should not care to define it, and it is still not certain how far the steward

<sup>1</sup> Stenton, *First Century of English Feudalism*, p. 220.

<sup>2</sup> That this was an inquiry into private as well as royal officials is often overlooked, though clauses III and IV say so quite plainly, and the returns in *The Red Book* prove it (vol. ii, App. A). See also *infra*, p. 149.

was judge or merely president. Such courts, often called hallmoots, were never questioned by *Quo Warranto*. Of the other kinds of jurisdiction, the two are clearly distinguished by Bracton, but this distinction is not, apparently, observed by defendants in *Quo Warranto* pleadings. It is a reminder that courts derived their competence from two quite distinct sources—as barons (if we accept Miss Reid's theory) men owned a jurisdiction equal to that of the sheriff in his tourn, and had sometimes additional rights by express grant: as successors of Anglo-Saxon tenants they might in many places claim a private hundred court. In either case the commonest type of jurisdiction is hundredal, and in the north this is derived from an earlier culture, with no admixture of feudal business. In the south, on the other hand, though the two are often fused—which was easy enough as each implied roughly the same thing—the larger tenants have the right to exercise at least a hundredal jurisdiction over their tenants even if the latter held in many different counties. This was certainly so in some well-known instances, but it still cannot be proved that the jurisdiction allowed by feudal theory to all lords was more than civil. It seems very likely, from Miss Reid's researches, that it was criminal as well. This Professor Adams did not accept. But the balance of probability is that feudal and pre-feudal custom did not deny a police jurisdiction to every lord strong enough to exercise it. The fact that a *libera curia de tenenciis suis* can be attacked by *Quo Warranto* seems to suggest this answer.

The obscurity of the early history of private jurisdiction is in part due to the negative phraseology of early charters, as well as to their scarcity. Two points are noticeable. (i) Apart from liberties granted in Anglo-Saxon words the early charters are grants of immunities, which benefit the grantee but not necessarily his tenants. (ii) It would be hard to believe that there was much growth in the extent of private liberties after the time of Henry II, but there is a great increase in definition. The increasing penetrative power of the government brought it into closer contact with baronial courts and baronial administration. This and the growth of a theory of government made it necessary to formulate more

clearly the liberties actually exercised. The development that took place between Glanville and Bracton, or between Magna Carta and the Provisions of Oxford, is reflected in the change from charters of immunities to grants of administrative responsibilities. Men are forced to ask what the 'general words' in the charters of an earlier age really meant. Hence the popularity of *exposiciones vocabulorum*<sup>1</sup> and the necessity of bringing charters up to date by 'the declaration of certain liberties contained therein in general words'.<sup>2</sup> A common instance of this is the need to interpret the *non-intromittat* clause, the grant of which ought to have created something like a private shire, but which in fact did not always result in the recipient's being allowed (or even claiming) return of writs in the thirteenth century.<sup>3</sup> This lucrative franchise entailed doing everything necessary for the execution of the king's writ or summons of the exchequer (thus including the lesser privilege of *debita levanda*, which is, however, often found separately).<sup>4</sup> It meant wide powers of distraint and the profits thereof.<sup>5</sup> Occurring, perhaps, as early as 1 Ric. I,<sup>6</sup> it is granted to a number of persons from 1230 onwards, and is found frequently about the middle years of the century, particularly in borough charters.<sup>7</sup>

This franchise may be taken, then, as an excellent example of the change in attitude to liberties in general. The emphasis is no longer upon immunity but upon public duties in private hands. And it was not only the Crown lawyers who recognized this. In 1289 the mayor of Wallingford refused to be called a royal *minister*, but the complainant answered that, having return of writs, he was sworn to the king and

<sup>1</sup> For a collation of texts see *The Red Book of the Exchequer*. There are two lists in MS. Wood empt. 1, and many elsewhere.

<sup>2</sup> *C.Ch.R.* iii. 196; *Chron. Petr.* (Camden Soc.), p. 15—both of the year 1253.

<sup>3</sup> From the clause *quod nullus se intromittat* Richmondshire in 1252 claimed *returnum brevium* and writs specifically addressed to the bailiffs of Richmond (*Misc. Inq.* i, no. 131). Dunstable (*P.Q.W.*, p. 13), St. Albans (pp. 23, 92, 288), Carlisle Priory (p. 121), Christ Church, Canterbury (p. 348), and St. Swithun's, Winchester (p. 771), claim *returnum brevium* on a *non-intromittat* clause, but Evesham, with the same clause to show, does not (p. 264).

<sup>4</sup> *C.Ch.R.* ii. 6 (1258) shows the inclusion of one in the other.

<sup>5</sup> See H. Cam, *The Hundred and the Hundred Rolls*, and 'The King's Government in East Anglia' (in *Camb. Antiq. Soc. Trans.*).

<sup>6</sup> *Cal.Ch.R.* ii. 306 (by *inspeximus*), but this clause makes the charter suspect.

<sup>7</sup> Ballard, *British Borough Charters*, ii, 171-2.



therefore a royal official, like the sheriff.<sup>1</sup> The return of writs brought the private liberty into immediate touch with the agents of the Crown. The bailiff who executed the writ was, like the private coroner, only private in that he was appointed by, and accounted for the profits to, his lord. For the proper execution of his office he was a sworn agent of the king.

There is a similar and exasperating vagueness about the 'quittance from shires and hundreds' common in Henry II's charters, though it naturally occurs earlier. This could be made the basis for anything up to 'baronial' jurisdiction.<sup>2</sup>

It was not only the eagerness of the nobility to define their liberties that led to the Edwardian position, but also the determination of the Crown to allow no private jurisdiction to exist unquestioned. Some of the results of this attitude are to be found in the printed *Placita de Quo Warranto* which range in date from 1279 to 1330. It is, however, now realized that the writ *Quo Warranto* was used with increasing frequency from the time of Richard I, and it seems possible that there was a general inquiry into private liberties as soon as Henry III began to rule alone, in and after 1234.<sup>3</sup>

It was unnecessary to limit by statute the jurisdiction of honour courts in this country, for they had never developed an appellate jurisdiction to rival that of the Crown. As early as the *Leges Henrici* the plea of *falsum judicium* had been a royal one. Thus not by any frontal attack but by a gradual process of attrition, speeded-up under Edward I, the content of seignorial jurisdiction was worn down by the agency of Edwardian lawyers. The most striking example of this is the assumption, in the course of the later thirteenth century, of infangthief as one of the major pleas of the Crown.<sup>4</sup>

<sup>1</sup> *State Trials*, p. xxvii.

<sup>2</sup> *P.Q.W.*, p. 291: view of frankpledge claimed therefrom. It was on a similar basis that William de Munchesney claimed suit of his tenants from three weeks to three weeks and the jurisdiction of the sheriff in his tourn. He held two *laghedays* (i.e. for view of frankpledge) and claimed the assize of bread and ale as appurtenant to a hundred.

<sup>3</sup> H. M. Cam, in *History* (1926).

<sup>4</sup> In the list of articles of the view of c. 1269 it is still there, as also in Britton, and it still goes with frankpledge in Kent in the *P.Q.W.* The great importance of red-handed theft in the middle ages is attested by the fact that courts had often to be afforced if a thief was to be judged (instances in *Northumberland and Durham Deeds*,

Thus in dealing with the printed *Quo Warranto* material a number of things have to be kept in mind. In the first place it is not to be assumed that franchises were questioned then for the first time, and that after 1279, or whatever the date of the roll in question, the matter was dropped. Inquiry into the history of any one franchise shows that the matter was raised at every eyre and that before the printed rolls begin many of the liberties therein discussed had been the subject of litigation for decades,<sup>1</sup> and continued so to be well into the fourteenth century. We must remember, too, that the later rolls (e.g. of Edward III) are much fuller and more explicit than the earlier, and that they alone contain the fully developed theory of franchises. It is evident, even from these later rolls, that a mass of divergent local customs is being brought (as in Domesday) under a few general heads. The Crown theory does not cover the facts. It asserted, for example, that no delegated rights could be granted away by those to whom they had been delegated. The fact that they were not regarded by lords as delegated may help to explain the frequency of grants of jurisdictional privileges by lords to their sub-tenants.<sup>2</sup> Moreover, the fourteenth-century theory of what view of frankpledge meant cannot be ancient. From its frequent occurrence side by side with fines for breaches of the assize of bread and ale the two had come to be regarded as inseparably connected, and pillory and tumbrel—the instruments for the correction of those who broke the assize for the third time—were spoken of as *judicialia* inseparable from the view.<sup>3</sup> The view had become identified with the jurisdiction of the sheriff in his tourn, or hundredal jurisdiction, and was, perhaps for this reason, regarded as impartible. You cannot have a partial view: you must have all the articles necessary for the preservation of the king's peace.<sup>4</sup> Yet this connexion between view and assize does not fit in with the claim of the

p. 126; and Bod. Lib. MS. Dugdale 15, pp. 91, 92) as for the king's writ or the *duellum*.

<sup>1</sup> See on the Isle of Wight, *infra*.

<sup>2</sup> Stenton, pp. 104 ff.; Clare Court Rolls cited in *Const. Docs.*, ed. Lodge and Thornton.

<sup>3</sup> *C.P.R.* (1272-81), p. 418 (cited by W. A. Morris, *The Frankpledge System* (1910), p. 141, n. 9). *P.Q.W.*, p. 671.

<sup>4</sup> *P.Q.W.*, pp. 505, 530, 636, 646.

northern barons to the assize, for there was no frankpledge in the north.<sup>1</sup> In some parts, however, the assize was claimed as appurtenant to the view,<sup>2</sup> and in others infangthief as well (e.g. in Kent).<sup>3</sup> Many lords naturally claimed by prescription, just as many prescribed to punish breaches of the assize by fines.<sup>4</sup>

In the orthodox accounts of private jurisdiction frankpledge is the least of the serious franchises, and also the commonest.<sup>5</sup> Much has been written about it, but it is desirable to see what it meant in the thirteenth century. It was the equivalent of what was later generally called leet jurisdiction, and modern writers are agreed that this, though it varied much in content, was the jurisdiction of the sheriff in his tourn,<sup>6</sup> or hundredal jurisdiction. It soon becomes evident that lords all over England are claiming the equivalent of this. We need not go outside the *Placita de Quo Warranto* to arrive at a number of equations which reveal that under considerable diversity of terminology the commonest private court had these powers, and that every baron would claim them. The most important of these is what is sometimes claimed as sake and soke, toll and theam, and infangthief. This is what is (with local variants) usually implied by a claim to the view of frankpledge. In a group of border-counties, where there was little or no frankpledge, it is claimed as *Placita Corone*: and there are instances that show clearly the identity of *Placita Corone* with 'all that the sheriff pleads in his tourn'.<sup>7</sup> The phrase, itself an

<sup>1</sup> Other instances are in *P.Q.W.*, pp. 434, 645 (4 cases), 648, 765, 769.

<sup>2</sup> *P.Q.W.*, pp. 476, 478, 530.

<sup>3</sup> *Ibid.*, pp. 476, 478.

<sup>4</sup> *Ibid.*, pp. 501, 505, 651-2.

<sup>5</sup> Morris in his table of the distribution of frankpledge (p. 66) notes only one instance in Nottinghamshire, where I seem to see many more. In Hampshire (where Morris gives three instances, though there were certainly more) the institution does not seem to be at home. A number of lords claim infangthief and the assize without claiming frankpledge (*P.Q.W.*, pp. 765, 769. On p. 771 Robert Aguylon even claims the higher liberties of *Returnum brevium* and *Vetitum namium* without frankpledge).

<sup>6</sup> e.g. Hearnshaw, *Leet Jurisdiction*, pp. 64-6. The thirteenth-century versions of the articles of the view are in the pseudo-statute *de visu frantiplegii* (which may, however, be later), Britton, Fleta, the Statute of Wales, and the *articuli inquirendi* of 1269.

<sup>7</sup> 674 (Shropshire). Cf. 267-9, 271 (Heref.), 688, 715 (Staffs.), and 367 ff. (Kent).

admission of the Edwardian point of view, is thus the equivalent of the *minora placita* to which Mr. Jolliffe has drawn attention in Northumbria, and those who claim these rights will claim to hold two *magne curie* a year.<sup>1</sup>

In this group of counties, as elsewhere, jurisdiction is sometimes claimed under the head *libera curia*. This is not a precise term, but it is usually a court of tenants held from three weeks to three weeks.<sup>2</sup> Sometimes it is described, if important enough, as a *curia militum*, in which case it will usually be an honour court.<sup>3</sup> It is always something more than a hallmoot, and is closely associated with barony.<sup>4</sup> The Prior of Merton says that this kind of court *non est libertas nec regale*,<sup>5</sup> but it could be attacked by *Quo Warranto*.<sup>6</sup> As for the scope of its jurisdiction, it sometimes seems to have gone no farther than the assize of bread and ale.<sup>7</sup> In some thirteenth-century *exposiciones vocabulorum* it is equated with soke.<sup>8</sup>

Although jurisdiction is also claimed under other heads, when it is stripped of 'fancy franchises' such as *catalla felonum* or *amerciamenta hominum* which did not affect the routine business of the court it will appear again as hundredal jurisdiction, so that when the Bishop of London claims 'all the pleas which can commonly be pleaded in the courts of

<sup>1</sup> *P.Q.W.*, p. 674 (Shropshire). A *magna curia* almost always refers to the tourn or view of frankpledge, the 'great hundred' or law day. Cf. the *Court Baron*, pp. 13-15, 79-82, for a contrast of *curie simplices* with *magne curie*, and see *P.Q.W.*, p. 776.

<sup>2</sup> *Ibid.*, pp. 344, 345, 759.

<sup>3</sup> As at Walbrook (*infra*, p. 96), Skipton (p. 97), and Newport (p. 100), but the *curia militum* at Harewood was not. The Peverel court included freeholders (*Book of Fees*, ii. 1320-1).

<sup>4</sup> '... nullam prisonam habuerunt, sed tantum liberam curiam baronie, ad latro-nem manuopere captum iudicandum per sacramentum, ministro regis et coronatore presentibus' (*Chron. Petr.*, p. 125, A.D. 1285). At Plympton the assize and gallows were claimed *tamquam pertinentes ad baroniam suam* (*P.Q.W.*, p. 177). Cf. the Warenne court in Surrey (*ibid.*, p. 745). Hubert de Burgh's court in Kent was a shire court: he gets his 'free court of all pleas that the sheriffs plead . . . saving the king's justice of life and limb and pleas of the Crown, which the itinerant justices ought to plead in their eyre . . .' (*C.Ch.R.* i. 54, A.D. 1227).

<sup>5</sup> *P.Q.W.*, pp. 313, 342.

<sup>6</sup> *Ibid.*, p. 336.

<sup>7</sup> *Ibid.*, p. 414, where in two cases the assize is claimed 'ab antiquo ea de causa quod ipse habet liberam Curiam de tenentibus'.

<sup>8</sup> e.g. *Barth. Cotton*, p. 439. This list is important, because it professes to be *secundum consuetudinem scaccarii*.



earls and barons'<sup>1</sup> we feel that he would be understood to mean what William de Breuse implied when he asserted his right, in the barony of Bramber, to the jurisdiction of the sheriff in his tourn.<sup>2</sup> The fact that it was not usually defined in pleadings lends weight to the supposition that the equation was well known. As more than one writer has carried the matter a step farther by suggesting that these rights made a baron, we must now look more closely at what a barony was, and its relation to the honour.

The word 'honour' occurs in Domesday Book, in the *Leges Henrici Primi*, and is frequent in the *cartae* of 1166. Already in 1142 it was used authoritatively so as hardly to be distinguished from barony.<sup>3</sup> In the thirteenth century the usage of chancery and exchequer did not apparently differentiate between an honour and a barony. Professor Ault, following Maitland, finds that the only distinction was one of size.<sup>4</sup> Vinogradoff, more cautiously, went no farther than 'a complex of landed property and rights combined in one person'.<sup>5</sup> Some well-known honours—such as Wallingford—were peculiarly successful in resisting disintegration, and have served as classical examples of the indestructibility of this unit. But in the thirteenth century this indestructibility has little practical importance.<sup>6</sup> The honours of Chester, Aumale, and Devon were all split up. Sometimes, however, the old jurisdictional arrangements continued and the honour court was held under a new name.

When a certain group of lands had remained sufficiently long in the same hands to be recognized as a unit by the government it was easier, when the honour passed into other hands, still to treat it separately. It might also be convenient

<sup>1</sup> *P.Q.W.*, p. 757.

<sup>2</sup> *Ibid.*, p. 760.

<sup>3</sup> Charter of the Empress Matilda to Aubrey de Vere: 'Et preter hoc concedo Roberto de Ver unam baroniam ad valentiam honoris Galfridi de Ver.' (Round, *Goffrey de Mandeville*, p. 182. See also Stenton, pp. 55-8.)

<sup>4</sup> Ault, *Private Jurisdiction*, p. 2, citing *P. & M.* i. 260. Professor Ault confuses the two utterly by saying (p. 10), 'Honours were not rare, at any rate', and by then supporting his statement with a mention of the 260 *baronies* accredited to Henry III's memory by Matthew Paris. According to Bémont (*Simon de Montfort*, old ed., p. 54, citing Hartshorne) there were in the thirteenth century only 86 honours.

<sup>5</sup> *English Society in the Eleventh Century*, p. 348.

<sup>6</sup> *Supra*, p. 40.

for the new possessor to continue whatever administrative machinery already existed, but it was more likely that he would merge it with his own.

The word 'honour' then (as used in England) implies little or nothing about the relation between lord and tenant; the emphasis is on the relation between king and lord. There may be an honour court, but we could not assume one. 'Barony' is an important word. It is definitely attached to the soil. M. Bémont has said that baronies are not found extending like honours into more than one county. There might indeed be a virtual or a theoretical limit of size for the barony, but essentially the barony is a jurisdictional unit with a known *caput*. So far as the later thirteenth century is concerned the two terms 'barony' and 'honour' hardly represent more than two different points of view.

But the theory still lingered—overlaid with rules about £100 reliefs (or, as it came to be, 100 marks) and a growing distinction between greater and lesser barons owing to summonses by individual writ—that attached to every barony was a certain minimum of jurisdictional rights, and this is what contemporaries meant when they claim to hold *per baroniam*. 'So far as the land law is concerned there seems no difference between tenure by barony and tenure by knight's service, save in one point, namely, the amount of the relief.'<sup>1</sup> But this legal view does not cover the facts. The view that no jurisdiction beyond that of a hallmoot could be exercised without warrant is in strong conflict with much of the *Quo Warranto* evidence, which shows that a widely different attitude was often adopted. With regard to the scope of this jurisdiction, what Jolliffe has said of Northumbria can be applied to many parts of England.<sup>2</sup> The normal private jurisdiction is hundredal, but the hundred court is limited to the *minora placita*, which are covered by a variety of formulas: 'Immunity from the hundred, pleas short of those of the Crown, and sake, soke, and infangthief, then, were taken as equivalent terms.' It is normally the business of the sheriff in his tourn, but in some counties the tourn is an innovation, and others are particularly free, as Kent, where infangthief is frequently claimed.

<sup>1</sup> P. & M. i. 279.

<sup>2</sup> E.H.R. xli, pp. 1 ff.

Miss Reid's view that whoever possessed these rights was a baron has been accepted only with modifications by Professor Stenton, who, though agreeing that 'even in the thirteenth century they were still felt to cover the essential nucleus of the complex of rights which formed a rough criterion of tenure by barony in that age', states that this was not so in the twelfth century,<sup>1</sup> when these rights were not the criterion but the result of baronial status. With this we can agree, for no one ever seems in practice to use this criterion. A man will claim jurisdictional privileges because he has a 'free court', or by prescription, or some other reason, but he does not announce that he is therefore a baron. We must be quite clear that the age of Edward I did not use this test. The extraordinary frequency of courts with this extent of jurisdiction weighs against the probability of more than a few of them having originated in express grants from the Crown, and we are forced to believe that many of those who possessed such courts were no longer regarded as barons. For the history of the word is one of gradual restriction. From originally meaning 'a man', it still in the twelfth century included the honorial baronage of which Professor Stenton has written so vividly. In the thirteenth, if charter evidence is conclusive, honorial barons no longer receive the title. The place of the 'baron' in his lord's household was relatively less important owing to the growth of an official hierarchy, consisting of men who might be his barons but who derived as much importance from being his officials. Further, the great frequency of this type of jurisdiction, whether or not it were essential to barony, seems to render nugatory the theory of a purely feudal, as opposed to a franchisal, court. Such a court must have been extraordinarily rare,<sup>2</sup> because if lords have hundredal jurisdiction there is little point in holding a separate court for civil business. The distinction, dear to modern writers, between a feudal court, deriving its competence from Anglo-Norman theories of the relation between military tenants and their lord, and a franchisal court exercising delegated public rights, hardly existed in thirteenth-century practice.

<sup>1</sup> *Op. cit.*, p. 102, n. 2.

<sup>2</sup> For the only example I know see the next section.

## (ii) SOME HONOUR COURTS

The part played by honour courts in the later thirteenth century can now be considered. Some were almost defunct, like the double court held alternately at Walbrook in London and Arkesden in Essex, while the Mandeville court held alternately at High Easter and Hertford was mildly active in domanial business.<sup>1</sup> I have shown elsewhere that this phantom-like *curia militum* of Walbrook was really the court of the honour of Eudo Dapifer.<sup>2</sup> It descended with one of the chamberlainships of the exchequer to Isabella de Fortibus, but, unlike her other possessions, its history is exceedingly obscure until her death in 1293, when she certainly had it.<sup>3</sup> As the *caput* of an honour it ought not to have been assigned in dower, but the fees of which the honour was composed were part of the dower of Isabella's sister-in-law, Margaret de Redvers, who died only in 1292. In theory Isabella should have had the court, but not the fees, from 1262, as part of her brother's inheritance. We do not know if the court was held at that time, or who claimed it, but it is known, however, that Isabella seized 68 of the fees before 1267.<sup>4</sup> There are two curious features about this case. There is no mention of the court, though Margaret claimed three-fourths of the fees which could possibly have owed suit to it, and secondly, though we have the testimony of the *curia regis* that dower was restored,<sup>5</sup> we know that in fact Isabella continued to treat the fees as her own. She receives homage, an aid, fines for delaying homage, and scutage. When an escheat falls in she fines the wife of the last tenant, or lets the estate at farm.<sup>6</sup> The honour of Walbrook was not,

<sup>1</sup> Of courts not mentioned in this chapter that at Dudley (Earl of Warwick) is known through a Hatton charter which alludes to a plea begun by royal writ, *temp.* Edw. I (Bod. Lib. MS. Dugd. 15, p. 24. See also *Cal. I.P.M.*, ii. 263, 493). For the well-known ones see *Select Pleas in Manorial Courts*.

<sup>2</sup> *E.H.R.*, 1931, p. 623.

<sup>3</sup> Memorandum on the account for Sawbridgeworth (Min. Acct. 868/8) of the Crown bailiff, Sampson de Gretham. This man had been one of Isabella's bailiffs in 1292 (Min. Acct. 1013/19).

<sup>4</sup> *Abbrev. Plac.*, p. 160, cf. *Y.A.F.* xxxi, 394, n. 2.

<sup>5</sup> C.R. Roll 202, m. 43 (an advowson plea of 1270).

<sup>6</sup> 949/4, Radstone, reeve's account, including receipts from 7 tenants for an aid. The names are easily identifiable. A bailiff of fees has left an account in 1118/22 which gives the other items.



however, an administrative unit of any importance on the Fortibus estates from 1260 to 1293.

Of the other *curie militum* on the lands of Isabella that at Plympton, held for the honour of Devon separately from the hundred court, was only worth £8 or £9 a year.<sup>1</sup> Skipton-in-Craven was in this respect more important, being normally worth about £15 a year.<sup>2</sup> It is tempting to connect the sudden rise to nearly £80 in 1266-7 with the redemption of their lands by rebels under the Dictum de Kenilworth.<sup>3</sup> The court, which in the thirteenth century was held from three weeks to three weeks,<sup>4</sup> reappears in the later fifteenth century as an annual court, meeting in October before the steward of the honour and the steward of the court.<sup>5</sup> Its style at that time was *Curia militaris de Skipton tenta ibidem*, &c. There were some two dozen suitors, representing those who had held the 12½ fees of which the honour had of old been composed, and possibly including some who did not hold by knight service. Most of these suitors regularly paid fines for remission of suit, but occasionally one or two, who are noted as exceptions, presented themselves when summoned.<sup>6</sup> The only items of business for which evidence exists in these rolls are a plea of debt, kept meticulously within the 40s. limit due to the Statute of Gloucester, and the presentation of the death of a tenant.<sup>7</sup>

At Harewood in Yorkshire, Isabella de Fortibus had a fourth *curia militum*. Harewood was held from the Crown for only one fee, but there were a number of military tenants. It was worth about as much as the honour court of Wallingford—about £10 a year.<sup>8</sup>

<sup>1</sup> Pipe Roll no. 143, 26 Edw. I; Min. Acct. 827/39, 1087/6, m. 2.

<sup>2</sup> Min. Acct. 1097/17, &c.

<sup>3</sup> Min. Acct. 1087/6, m. 1.

<sup>4</sup> *Cal. I.P.M.* iv, no. 338.

<sup>5</sup> Roger Dodsworth in 1646 made full excerpts and in some cases apparently transcripts of the rolls for many of the years between 4 Edw. IV and 6 Eliz. (Bod. Lib. Dodsw. MS. 83, fols. 113-16v).

<sup>6</sup> 'Nihil quia fecerunt sectam.' The fines varied from one to six shillings.

<sup>7</sup> 'Margareta Ward quer' de Johanne Lambert et uxore Walteri Lambert de placito debiti, 39s. 11½d. (4 Edw. IV).

<sup>8</sup> Min. Acct. 1096/3 (for Wallingford, 10 Edw. II). The Fortibus manor of Whitchurch owed suit, for which reason fines for default, the presentation of essoins, and an agreement for remission of suit all appear in the accounts (1118/19, 959/1). Harewood was in 1278 worth nearly £15 (1077/27, cf. 1077/28-9).

Thus on the Fortibus estates three *curie militum* were quite active. That at Cockermouth is hardly known. It was, like the others, essentially a court of knights,<sup>1</sup> though we may suspect that free tenants were also suitors, as at Broughton.<sup>2</sup> The survival of court rolls for this latter court, as well as for Clare, has made it possible to show that they were active in enforcing the decisions of manor courts, in summoning before them villeins from the various manors, and in enforcing homage, fealty, and relief. In the Clare court there was also a considerable traffic in land, together with the usual cases of assault and robbery, theft and slander, if the damages were less than 40s., and petty debts. Perhaps the best known feature of the Broughton Court is the provision of the military service of the honour. For such rolls the evidence of accounts is a poor substitute, but it at least shows that a *curia militum*, as elsewhere, was still worth seven to ten times as much as a hall-moot.<sup>3</sup>

But the great technical advances of the common law, as compared with the antiquated procedure of private courts, which varied from place to place,<sup>4</sup> narrowed the business of *curie militum*.<sup>5</sup> Few would willingly sue where a misplaced syllable might ruin their case, if they could afford to go elsewhere. It was difficult to enforce suit,<sup>6</sup> but the courts lingered on for centuries because it continued to be profitable to exact fines for default or remission of suit.

Throughout England the greater barons had built up a

<sup>1</sup> Cf. Pipe Roll, 31 Hen. II, p. 186, 'Milites curie comitis de Coupland reddunt c. de cs. quia fecerunt iudicium de placito quod non pertinuit ad eos.'

<sup>2</sup> Some early thirteenth-century fines made before knights and free tenants in the court of S. Mary's, York, at Knaresburgh, and in Sir Richard de Percy's court, are in MS. Dodsw. 156, fols. 3, 14, 15, 27<sup>v</sup>; *ibid.*, fol. 125<sup>v</sup>; and 155, fol. 180<sup>v</sup>.

<sup>3</sup> There were exceptions. The mysterious manor court of Waltham was worth £17 6s. 6d. in 1265-6, and £47 9s. 5d. in 1266-7, but the latter year is the time of the equally remarkable rise in pleas and perquisites at Skipton (P.R.O. Court Rolls 62/751). Borough courts were much more valuable. The earl marshal's court at Chepstow brought in £65 in 1278 (Min. Acct. 921/22).

<sup>4</sup> Glanville, bk. 12, c. 9.

<sup>5</sup> One thing they could still do, like shire, hundred, and borough courts, or even hallmoots, was to attest charters. See the *Percy Chartulary*, pp. 235, 247, 251, for late thirteenth-century attestations of the *curia militum* at Alnwick; for the Earl of Boulogne's court see Magd. Coll. Oxon., Chipping Norton ch. no. 1; for a grant witnessed by eight knights, two others *et aliis de curia domini mei* (William Fitz-Hamo, 1245), see Magd. Coll., Bucks., Thornborough ch. no. 93 (1).

<sup>6</sup> *Hengham Magna*, c. 4.

system of administration which cut right across the feudal lines of division, and was based purely on grounds of convenience. In imitating, either directly or through ecclesiastical influence, the royal system of audit and account, they set at work a machine which depended for its motive-power upon officials sent out by the household. To the author of the *Mirror* it was an outrage that these auditors were immune from attack by the officials whose accounts they heard, for the lord and his auditors and stewards, if their personal authority was insufficient to deal with malfeasing officials, had an appropriate action by which they could bring them to book—the action *de compoto reddendo*.<sup>1</sup> Thus private officials are often sued for debt, trespass, or account, but rarely in baronial courts. These had been short-circuited. The men attacked in the *Mirror* had taken over the business of dealing with refractory reeves by administrative action or with bailiffs in the royal courts.<sup>2</sup>

### (iii) JUSTICE AND ADMINISTRATION IN THE ISLE OF WIGHT

The Isle of Wight was held from the king, together with the earldom of Devon, for 15½ fees, but presumably the service was found from Devon, because the islanders claimed to be quit of all foreign service,<sup>3</sup> and refused also to give scutage.<sup>4</sup> They owed only an aid for marrying the eldest daughter of the lord of the island or knighting his eldest

<sup>1</sup> Op. cit., pp. 164–5—in spite of the ordinance of (?) 1260 (*C.P.R.* (1258–66), p. 97) giving magnates power to correct their officials. The *Mirror* (p. 198), in accordance with the writer's point of view, gives more exceptions than *Fleta*.

<sup>2</sup> A clear example of this, on the Fortibus estates, is the collection of scutage for the Welsh wars. This was done by the bailiffs of fees, whose areas did not coincide with honours, and if tenants had to be distrained upon, these bailiffs were responsible to the auditors.

<sup>3</sup> *Rot. Parl.* i. 323. Prynn (cited by Worsley, *Hist. of the Isle of Wight*, p. 76) alludes to a record of 31 Edw. I from the White Tower, wherein the Islanders claimed exemption from an aid for marrying the king's eldest daughter. For a list of military tenants see *Book of Fees*, ii. 1301 ff.

<sup>4</sup> *Cl.R.* (1242–7), p. 209. This did not prevent the Lady of the island from distraining upon her tenants for scutage, nor them from trying to collect it from their sub-tenants (Min. Acct. 984/8, A.D. 1280; Acct. of manor of Cosham for 1288–9, at The Queen's College, shows John de Lisle receiving 6s. scutage from that manor. This is Cosham in Carisbrooke. In 1280 two of the knights, Ralph de Gorges and Peter de Vescy, sought a remedy against this).

son, the service of one sergeant for forty days in time of war to guard the island, and suit of court at Newport every three weeks.<sup>1</sup> This court was really a shire court. For the Isle of Wight has a strong claim to be regarded as one of the more important liberties in England. Tradition ran that it was a palatinate, granted by the Conqueror to William Fitz-Osbern to hold as freely as the king held England.<sup>2</sup> Described by Stubbs as 'a regality, like that of the counties palatine', it had the organization of a private shire, though not that of a palatinate. The sheriff was excluded: the king's writ was not. The legend of the last private owner, Isabella de Fortibus, as Queen of the Isle, no less than the erection of the island into a kingdom by Henry VI in favour of the Duke of Warwick,<sup>3</sup> may be regarded as a picturesque recognition of this unusual position, and its establishment in 1870 as a separate administrative county as the practical outcome.

The fact that it was so considered in the twelfth and thirteenth centuries may be illustrated in a number of ways. As early as 1177-84 Baldwin de Redvers granted to his burgesses of Newport *freedom from shires and hundreds within the Island*.<sup>4</sup> About 1220 a private sheriff appears,<sup>5</sup> a few years later it was found that the Island ought not to be amerced with Hampshire,<sup>6</sup> and it is not counted in with Hampshire in the traditional list of shires found in connexion with the *Flores Historiarum*.<sup>7</sup> The island is a self-sufficing community whose identity is recognized in contemporary formulae, for we hear of aids granted to the earl (before 1260) *per milites et communem Insule*, or *per communem con-*

<sup>1</sup> *Cal. I.P.M.* i. 175. The manor and hundred of Freshwater was held from the Crown by sergeanty of providing one knight for royal expeditions to Gascony, and one sergeant for royal expeditions to Wales, each for 40 days (Assize Roll 789, m. 89d.).

<sup>2</sup> Carisbrooke Chartulary, known to me only from sixteenth-century excerpts in Brit. Mus. MS. Lansd. 229, fol. 116 (identical with Bod. Lib. MS. lat. hist. b. 3). For the history of these transcripts see *Times Lit. Supp.*, 23 Feb. 1928. Dr. Walter Holtzmann tells me that the chartulary itself is at Cheltenham.

<sup>3</sup> Stubbs, *Const. Hist.* (ed. 1884), iii. 448. The story comes from the History of Tewkesbury in *Mon. Ang.* ii. 63.

<sup>4</sup> Ballard, *British Borough Charters*, i. 252.

<sup>5</sup> William Avenel *vicecomes Insule* attests a charter of about this date at The Queen's Coll., Oxford.

<sup>6</sup> *Cl.R.* (1227-31), p. 425.

<sup>7</sup> e.g. Bod. Lib. MS. Fairfax 20.



*sensum Insule*.<sup>1</sup> It is not therefore surprising to find that the lords of the island claimed extensive franchises in the *Quo Warranto* proceedings. Long before the date of the printed rolls (1280) the return of writs, pleas of replevin, and the coronership had been questioned.<sup>2</sup> They were attacked over a period of fifty years, and the full story of the pleadings would be a long one. There is no doubt that Isabella's plea of long use was justified, at any rate in some particulars. It had been found, for example, in the eyre of 1229 that the sheriff had never distrained oxen to the king's use, but that they had always been distrained by the constable to the use of the earl.<sup>3</sup> That is, in making a distraint for the king's debt, or to enforce appearance in court, the sheriff of Hampshire had to suffer the writ to be executed by the constable of Carisbrooke, which seems to be a lengthy way of saying that the earl had return of writs. The jurors had, at any rate, seized upon the most valuable feature of that franchise, which is not otherwise mentioned in connexion with the Isle of Wight until 1249.<sup>4</sup> But such pleas of custom were not well received, and the struggle continued. In 1281 the question of the return of writs and pleas connected therewith was tried at Westminster.<sup>5</sup> A local jury said that the countess and her predecessors had always had the pleas resulting from those writs which elsewhere sheriffs pleaded in shire-courts, and that before the return of writs was instituted her predecessors had pleaded those pleas by bill. They also said that the sheriff sometimes summoned the lords of the island for default, but that, always claiming privilege (*statum suum calumpniend*'), they had never appeared, but had the case taken before the Judges of the Bench, and of what took place there they knew nothing.

A re-examination of this verdict served only to produce

<sup>1</sup> Forms for charters in MS. Gonville and Caius Coll. Camb., no. 205, pp. 313, 317. For this MS. see further 'Robert Carpenter' in *E.H.R.* I (1935), pp. 22 ff.

<sup>2</sup> Isabella also claimed and exercised estreats of summonses, view of frankpledge, the assize of bread and ale, infangthief, and wreck of the sea. Her greater tenants (John de Lisle, Thomas de Evercy, Robert de Glamorgan, Thomas de la Haule, the Abbot of Quarr, and Matilda de Scures) claimed only half wreck of the sea, the other half going to the countess (A.R. 784, m. 81, 789, m. 32d.). The printed pleadings are in *P.Q.W.*, p. 769.

<sup>3</sup> *Cl.R.* (1227-31), p. 152.

<sup>4</sup> *Cl.R.* (1247-51), p. 209.

<sup>5</sup> *K.B.* 27/53, m. 20.

a more explicit statement that the countess ought to have the return of all writs touching the tenants of the hundreds of East and West Medina and the pleas of those returns, except in the liberties of the Bishop of Winchester and the Abbess of Wherewell, and in the manor of Freshwater, which was held by Margaret de Redvers in dower.

A point of some interest is raised by the allusion to procedure by bill as the normal historical antecedent of procedure by writ. The question of bills in eyre has been treated as if to begin a case by bill was an unusual thing. Now although actual bills in eyre have survived, only two of the cases thereof printed in the *Select Bills in Eyre* show that the procedure by bill left any trace upon the roll. Nothing else is to be expected, for, as the editor points out, once the case had begun, the procedure was normal. That the use of the procedure by *querela* was common in the later years of the thirteenth century has been increasingly recognized. Miss Cam has quoted the statutory authority for its use in the eyre (1278), and points to its further application in the special inquests (Kirkby's Quest) of 1285-6 and 1289-91 (the trial of the judges).<sup>1</sup> Professor Jacob has discussed its use in the middle years of the century, and it was common in the *Quo Warranto* pleadings under all the three Edwards. It was used against Adam de Stratton in 1279, and against the officials of the late Queen Eleanor in 1293. Archbishop Peckham claimed to hear complaints against his suffragans *per querelam*. But of the use of bills in thirteenth-century private courts little is as yet known. And as the court of Newport continued unchanged, in all points in which the description can be controlled, into modern times, and in 1626 the pleadings were by English bills and answers, and, if the case required, by replications and rejoinders,<sup>2</sup> it seems likely that the thirteenth-century procedure was normally by bill.<sup>3</sup> The court of Newport maintained its importance as a court for all actions of debt and trespass under forty shillings, and

<sup>1</sup> *Studies in the Hundred Rolls*, pp. 136-7 (1921).

<sup>2</sup> Worsley, *History of the Isle of Wight*, p. 81.

<sup>3</sup> In a *Quo Warranto* plea relating to Plympton the jurors found that the Countess of Devon and her ancestors had pleaded pleas of replevin without writs, by *querimonium* (P.Q.W., p. 177).

upon replevins granted by the steward, i.e. *de vetito namio*.<sup>1</sup> Attempts in the seventeenth century to modernize the procedure and extend the jurisdiction never matured,<sup>2</sup> and the old forms of proof and compurgation with judgement by the suitors continued until 1806, when the recovery of debts was taken over by a Court of Requests for the Isle of Wight.

The Newport court seems to have been not unpopular. When Amice de Redvers ruled the island as guardian of her son Baldwin, her bailiff William Passelewe set up a new court, and here pleas were dealt with that had formerly been tried at the *Curia Comitis*. Any one who was accused of a breach of the forest regulations could not defend himself *per legem suam*, as he would have done at Newport, but was convicted on the indictment of the forester and amerced at the will of the countess. This was presented as a new custom by the hundred-jurors of East and West Medina in 1256,<sup>3</sup> but the judges in eyre made no comment save to refer the matter to the council.<sup>4</sup>

Isabella likewise extended her franchise rights at the expense of the abbess of Lacock, to whom Amice had given the manor of Shorewell. Here the abbess held view of frankpledge, until Isabella *fur tele franchise myst debat*. Some time after 1265 it was agreed that all the tenants of the abbess were to come to the view, law-day, or hundred of West Medina at Carisbrooke twice a year, there to make the customary presentments and to answer all the articles of the view, according to the usage of those parts. In return the abbess was to receive all the amercements of tenants amerced in the court of Newport, except fines for trespass against Isabella and her heirs or officials. The money was to be levied by Isabella's bailiffs.<sup>5</sup> This 'court of the castle called *Curia Militum*' was held every three weeks within the borough of Newport on Mondays, in the *domus assignata ad*

<sup>1</sup> Court Roll 202/23, 19 April, 2 Edw. IV. This shows many pleas of debt, some of trespass, and one 'lex'.

<sup>2</sup> There is an account of these in *V.C.H. Hants*, v. 259, seemingly derived from Worsley's *History*.

<sup>3</sup> Assize Roll no. 778, m. 50.

<sup>4</sup> *Ibid.*, m. 48d. *Ideo inde loquendum est*.

<sup>5</sup> Lacock Chartulary, fol. 129d. I owe this reference to the kindness of Professor Jacob. There is a printed version in *Mon. Ang.* ii. 508, and *Rot. Parl.* ii. 182b.

*placita curie militum*.<sup>1</sup> It was, as other *curie militum*, composed mainly, though not exclusively, of military tenants.<sup>2</sup> The views of frankpledge were held separately in the hundred courts.<sup>3</sup>

During the years 1260-84 the issues of the *curia militum* were divided, for a third of the pleas and perquisites and of the view of frankpledge went to the Countess Amice, who held them in dower. They are never mentioned until the death of the dowager countess, when a sudden upward leap in the value of the court is explained by a reference to Amice's death. The issues were not all pure profit. The two bailiffs or sergeants, one for each hundred, had to be paid. The franchise of return of writs entailed expensive journeys to Winchester by the bailiffs and sometimes by the constable and his clerk as well. They had also to appear before the itinerant justices, and go in search of the escheator, or other servants of the Crown.<sup>4</sup>

In 1229 it was found by inquisition that there should be no coroner in the island, and that there had been none even in Henry II's day.<sup>5</sup> In the thirteenth century it was the custom for the constable of Carisbrooke Castle to act as a coroner for the whole island when he had taken oath to do his duty well and truly.<sup>6</sup> In 1256 exception was taken to the action of the dowager countess Amice's bailiff as coroner, when a felon abjured the realm in his presence.<sup>7</sup> The matter

<sup>1</sup> *Cal. I.P.M.* i. 175, and the extent of 1297, p. 62. Only estreat rolls have survived.

<sup>2</sup> In 1297 one John Marys of Thorley held a hide of land called Menewesside in Thorley rendering one pound of cummin and doing suit to the *curia militum*.

<sup>3</sup> In the account rolls the profits of the view are found under the heading *curia militum*, and the estreat rolls of the court deal solely with frankpledge fines. This may have arisen from the double position of the bailiffs as sergeants of the liberty and hundred-bailiffs. It seems clear from the Lacock document mentioned above that the tourn, or law-day, was held twice a year at Carisbrooke, and that this is to be contrasted with the *curia militum* at Newport. Either court was of course *curia comitis* (A.R. 778, m. 48d., m. 50).

<sup>4</sup> In the mid-fourteenth century appears a royal bailiff in eyre (holding by sergeanty) for the Isle of Wight and lands connected with it in Hampshire, but this is not visible in the thirteenth century (*Cal. I.P.M.* viii, no. 587, ix, no. 133).

<sup>5</sup> *C.P.R.*, p. 268, which might be taken to mean that in some places there were coroners under Henry II.

<sup>6</sup> A.R. 789, m. 88d. This is Isabella's defence (1280) in the *Quo Warranto* plea at Winchester, before Salomon de Roffa.

<sup>7</sup> A.R. 778, m. 49d., but on m. 48d. a thief escaped from Carisbrooke prison



was not raised in the eyre of 1271,<sup>1</sup> but in 1280 the burial of any one who had died by violence or misadventure was described as *sine visu*—without the view of the coroner, and men who had confessed their wickedness and abjured the realm in the presence of the constable were held to have done nothing, and the constable was to be punished.<sup>2</sup> The objection to the coronership, for it was more hotly contested in the island and Cockermouth than were any of the other franchises, was probably rooted in two facts. Coroners under the Crown were strictly elective, and were sworn into office at the Shire Court.<sup>3</sup> At an earlier date it was probably the custom for a lord to present for recognition at this court the man whom he chose for his coroner,<sup>4</sup> for there was always a twofold aspect of the duties to be performed: the private coroner, like the private sheriff, was appointed *ad facienda negotia Regis*, and, from the lord's point of view, *pro voluntate sua facere*.<sup>5</sup> But Isabella and her ancestors, and no doubt other lords as well, had appointed their own coroners without the intervention of the shire at any stage in the proceedings, and the feeling that this ought not to be is clearly reflected in the declaration of the judges in eyre at Southampton in 1280:

Et . . . predictus Johannes non fuit Coronator Electus nec Juratus domino Regi per quod huius officio fungi possit . . .<sup>6</sup>

The other reason for objection to this liberty was probably the practical one that it had led to grave administrative abuses. In his double position as coroner and constable this and, after taking sanctuary at Godshill, abjured the realm in the presence of the constable-coroner. This was not questioned.

<sup>1</sup> A.R. 780.

<sup>2</sup> A.R. 789, m. 88d.

<sup>3</sup> On coroners in general see Holdsworth, *Hist. of Eng. Law*, i. 83–7, and for mention of private coroners at Dunstable and Ramsey see Ault, *Private Jurisdiction in England*, pp. 112–14, 122; at Vale Royal, Ormerod's *Cheshire*, ii. 152 (but giving no ref.), at the Priory of Tynemouth—K.B. 27/127, m. 54, 54d., and 55 (a long plea); St. Albans claimed one, and this was allowed in 1287 (*P.Q.W.*, p. 280). For Berkhamstead honour see *CL.R.* (1232), p. 77.

<sup>4</sup> *Bk. of Fees*, i. 247.

<sup>5</sup> *Ibid.*, and *P.Q.W.* (Cockermouth), and cf. *ibid.*, p. 222, where the two aspects are judiciously combined in a phrase asserting that the Archbishop of York's coroners at Beverley and Ripon were there 'pro voluntate ipsius Archiepiscopi qui tamen erant iurati ad Archiepiscopum ad fideliter faciendum officium Coronatoris'.

<sup>6</sup> A.R. 787, m. 88d., Hund. of East Medina.

bailiff presided over the *curia militum*, and twice at least he was guilty of great presumption. At Cockermouth the tale is the same. In each case the coroner has dared to try the pleas of the Crown and at Cockermouth has even made use of the strictly royal procedure of outlawry. In each case the fate of the coronership was for years in doubt, but in the end they were both allowed.

Under James de Alneto as constable (1271-2) an instance of the Carisbrooke court acting as a franchise court is found. This displays the two forms of procedure against thieves, that by appeal of felony and the newer procedure by indictment. James had imprisoned William son of Hamo for theft, but the latter appealed William Pasturel for keeping company with thieves. A duel was waged in *plena curia comitisse* and William son of Hamo was conquered and hanged, presumably for his theft as Isabella had the right of infangthief, and William Pasturel was allowed to depart. On this occasion the countess disavowed the action of her suitors, saying that it had been done without her knowledge, and denying that she claimed any right to exercise the procedure by approvers.

On another occasion a man indicted for theft at the view of frankpledge was imprisoned at Carisbrooke. He escaped but was afterwards recaptured and hanged for the escape by judgement of the *plena curia de Carisbrooke*. For the escape judgement was given against the countess, and because the man had been hanged *sine secta vel manuopere*—he had not, that is, been caught with the mainour—all the suitors of the court were summoned to the eyre. They had not only let a thief escape: they had exercised the right of infangthief where none lay.

Apart from this it is evident that the behaviour of coroners in the Isle of Wight was little different from those under the more immediate supervision of the Crown. The accounts are useless, for the coroner kept his own roll. The jail at Carisbrooke might overflow with prisoners and every one be allowed to escape without affecting the balance of charge and discharge. But when the hundreds of East and West Medina and Freshwater, together with the boroughs of Yarmouth and Newport, presented the pleas of the Crown

at the eyre at Southampton, the double position of the constable at Carisbrooke is revealed.<sup>1</sup> There is the usual tale of misfortune and crime. One dies by falling down a well, another falls from a horse which he is watering, a third is tossed by a bull, and a fourth kicked by a mare. There are murders by clubs and hatchets, and deaths from sticks thrown in sport. Every few years there is the homicide who confesses the deed and abjures the realm in the presence of the constable.

Of the five constables within the period covered by the plea rolls not one is exempt from charges of corruption. Hugh de Manneby (1270) took 30s. from a prisoner suspected of theft. James de Alneto, the worst, was bribed to let four thieves and two murderers escape, and committed a number of similar crimes. Fortunately for himself he died before the date of the eyre. John de Pagrave (1274-c. 1276) took half a mark before he would come and view a body in Newport, but he had nowhere any lands by which he could be distrained. John de Hardington (1278-90) seems to have been a man of greater integrity. The only case against him was that he had wrongfully imprisoned and maltreated Agnes the daughter of Nicholas of Staplehurst, who sued him for damages. She complained that he had taken her purse containing 5s., her goods to the value of half a mark, detained her for over three weeks, and broken one of her teeth. In defence it was stated that Agnes and the other plaintiffs were robbing a house in Newport when the occupant raised the hue and cry against them. The constable and bailiffs and others therefore came and attached them, but neither imprisoned nor maltreated them. John de Hardington remained in office from 1278 to 1290 and in other respects served his mistress with great diligence.<sup>2</sup>

Although the emoluments of the constable were not greater than those of other bailiffs, his duties were heavy. It was for him to see to the upkeep of the castle, the administrative centre of estates scattered over the whole of England.

<sup>1</sup> Assize Rolls, nos. 780, 784, 787.

<sup>2</sup> In 1291 John de Hardington said (A.R. 1014, m. 4) that he had leased the manor of 'Wytfeud' [Whitefield] from Joan de Tracy for 100 marks down and 20 marks a year. This transaction took place in 1279 (*V.C.H. Hants*, v. 159, but cf. *Cal. I.P.M.* iii. 126).

Here was the Fortibus exchequer, treasury, and receipt.<sup>1</sup> He was sheriff, coroner, and bailiff of the island, every corner of which felt the weight of his authority, for where he could not go as a private official he appeared as coroner. For the functioning of the court, the supervision of the bailiffs of the liberty, he was primarily responsible. The receipts of reliefs, fines, and the other perquisites were accounted for by his two bailiffs—one for East and one for West Medina. He had to make periodical visits to the mainland to reach the court at Lymington, as coroner he had to make his presentments to the coroner of Hampshire, and as sheriff he had to execute the king's writs, collecting the profits of distraint for the earl (but as they never appear on the rolls they may be regarded as one of his perquisites), and he had then to return writs to the county court at Winchester. He was usually one of the auditors of accounts for his bailiwick, and was frequently engaged as Isabella's attorney in litigation in the southern counties. He was thus responsible for three series of enrolments: his account as constable, his roll as coroner, and the court roll of the franchise court. And yet, like the sheriffs of Holderness, these men were rarely knights. It is not even certain that they all were men of property. One, James de Alneto, was a mere bailiff of Radston before he was promoted; John de Pagrave had nowhere any lands.

#### (iv) THE PRESERVATION OF LIBERTIES

It is a commonplace that sheriffs and other royal agents caused great annoyance and at times distress by travelling about the countryside with a host of servants. This, however, was a burden which fell chiefly on the monasteries, and finds no mention in the accounts under consideration.<sup>2</sup> For where sheriff and coroner were normally excluded (as in Holderness, Cockermouth, and the Isle of Wight, where the double privilege of return of writs and a private coroner were exercised) it is more usual to find manorial officials

<sup>1</sup> *Vide supra*, p. 43.

<sup>2</sup> When Guy de Gousle does come to Burstwick his expenses are only 4s. for one night (1073/11, 1268).



going to the sheriff<sup>1</sup> than to find the sheriff coming to the manor;<sup>2</sup> and similarly with the escheator. The bailiff is much more frequently in contact with the sub-sheriff or the sub-escheator, and these come alone or with one or two servants. That such minor officials were unpaid is accepted: that they thrive by extortion perhaps a natural corollary. With this point Miss Cam has already dealt from evidence provided by the Hundred Rolls.<sup>3</sup> But the Hundred Rolls rarely show the relations of these men with the great people of the shire: only their relations with lesser folk are seen. Bribes from the agents of lords and ladies do not appear, for there was no one to complain of them. The hundred-jurors were not interested in what Isabella's bailiffs paid to sheriff or coroner. Nor could they afford to take that kind of interest in the doings of their powerful neighbours.

Another and somewhat similar point of interest, which finds no place in an inquiry into local government, is the possibility of corrupting judges and their subordinates, and of procuring favourable verdicts from the hundred-jurors. The impartiality of the evidence offered by account rolls renders it more valuable, and though at times an exasperating vagueness conceals their import, the baldness and lack of comment with which the entries are set down reveal the attitude of the accountant. For the bailiff had to satisfy the auditors that he had not laid out money to no purpose. It does not therefore seem legitimate to attribute lack of detail to consciousness of guilt. When the scribe writes *in donis datis Vicecomiti*—and this is a not uncommon entry—we are more convinced that what was done was customary than if he went on to explain the place and the occasion.

Many parallels could be found in the Fortibus accounts to add to the already countless instances in the Hundred Rolls of officials who have taken gifts for doing their duty.

<sup>1</sup> 'In expensis Petri Hildyard querentis Vicecomitem Ebor' in Blackburnescir' pro breve domini Regis attachiando pro Comitissa.' (1078/17 Bailiff. Cf. 1078/16 the Park; 1078/18 Bailiff.) 'In expensis Philippi ballivi querentis eschaetorem domini Regis pro extenta feodorum que fuit Comitis Albemarle in Comitatu Suht' 4s.' (984/11, *Curia Militum*, 16 Edw. I).

<sup>2</sup> 'In expensis vicecomitis Ebor' per i diem et i noctem apud Harewod et plurimorum secum venientium xis. et ob.' is unparalleled in the accounts (1077/29, 16 Edw. I).

<sup>3</sup> Cam, *Studies in the Hundred Rolls*, pp. 184 ff.

Coroners receive their expenses on coming to view the body.<sup>1</sup> The escheator, the sheriff, and the hundred-bailiff receive moderate fees on livery of seisin.<sup>2</sup>

A few examples will illustrate the numerous other occasions on which gifts were expedient.

20s. to the Sheriff of Cumberland from the Constable of Cocker-mouth 'in dono pro auxiliis in negociis Comitisse habendis' (824/7).

'In dono Vicecomiti pro negociis Comitisse expediendis in tempore dimissionis domini Galfridi de Phanecurt 61s. 8d.' (Clopton 1118/17).

'In dono Comitisse ballivo de Estring' et clerico suo pro assisa inter Comitissam et Remigium de Pocklington expedienda et instauranda et in brevibus attachiandis pro eodem. . . . In dono Egidio de Gousle vicecomiti Ebor' et clerico suo pro negociis Comitisse expediendis 70s. 2d. In 12 ulnis de blueto emptis et datis Johanni de Hauton pro eisdem negociis 41s.' (1078/11 Bailiff).

'In dono ballivo et clericis Vicecomitis Norhampton et ballivo hundrede de Gyldesbury cum uno exenio misso Vicecomiti predicto 5s.' (1118/20 Radston).

'In dono facto clericis Vicecomitis per Ballivum ut testificarent Comitissam ad primam diem non esse summonitam qui sic fecerunt 2s.' (1118/18 Naseby).

These half-dozen examples are from Isabella's estates. The earl marshal adopted similar expedients. His agents give 29s. worth of 'jewels' to one sheriff, to another one mark for not distraining, in accordance with an exchequer writ, for a debt of 25 marks. Gifts of a shilling or two to sub-sheriffs, sub-escheators, and hundred-bailiffs are not infrequent.<sup>3</sup>

<sup>1</sup> Coroner's expenses: Radston 42 Hen. III 2s. 2d. (949/3); 49 Hen. III, 12d. (ibid.). Gift to coroner of Winchester 6s. 8d. (984/8, C.M.).

<sup>2</sup> Theescheator often costs about 2s. (e.g. 1078/11 Pocklington). Gift to hundred-bailiff on day of reseisin (1118/17 Borley). On a similar occasion 5s. to the sheriff (Naseby 1118/20), 6s. 8d. to the sub-escheator (984/10 Thorley).

<sup>3</sup> 1020/12 Bosham A.D. 1275, and cf. 932/19 Caistor cum Marshall (1282), 1s. to a hundred-bailiff 'pro negociis Comitiss'. 1003/19 Peasenhall (1295), 6s. 8d. to the hundred-bailiff 'pro diversis negociis pro Comite expediendis'. 922/6 Receiver of Chepstow (1293), 6s. 8d. to the sub-sheriff, and 4s. to the Capital Beadle of Gloucestershire 'pro favore habendo ad libertates domini Comitis sustinendas'. 837/21 Chesterford (1297), 3s. to the bailiff of the hundred and 1s. to his sub-bailiff 'precepto Thome de Sodington' (the steward): 1003/14 Peasenhall, 'datis clerico ballivi de Blithing' de precepto Johannis ballivi 3s. pro negociis domini Comitiss'. (The occasion was apparently an inquisition between the earl and one of his tenants.) (1289.)

The occurrence of an eyre increased the normal flow of douceurs. The judge's clerks were allowed by law 2*s.* per juror, which must have made the position a lucrative one, though in theory if they took more they were to lose their positions and to repay the money threefold.<sup>1</sup> Still, they had to be accommodated, and so had their masters. A gift of this kind is often called an *exenium*. A present of corn is sent, or the judge is allowed to send his men to take deer in the countess's forest,<sup>2</sup> or 20*s.* are paid to the judge's clerk for reading charters of liberties at the eyre.<sup>3</sup> There is nothing here to cause surprise. No thirteenth-century rolls reveal any glaring instances of the bribing of judges, because there was a point in such matters beyond which the *exenium* could not be increased without incurring general condemnation. Still, up to that point the practice was widespread, and the official scandal of 1289 revealed that the most unlikely people were implicated.

The efforts made to gain confirmation of franchises merit attention. The constable of Carisbrooke's account for 1280-1 gives the expenses incurred in this way:

'In expensis Roberti Bardolf, Johannis de Hardingtone, et ballivorum Comitisse in itinere justiciariorum apud Southampton  
£25 9*s.* 9½*d.*'

'In diversis donis datis clericis, narratoribus, et aliis ibidem per manus predictorum Roberti et Johannis £11 18*s.* 1*d.*'

'In expensis predicti Roberti et Johannis euntium usque Londonias et de Londoniis usque S. Edmund' per ii vices pro placito comitisse de quo Waranto  
£1 6*s.* 8*d.*'<sup>4</sup>

Nearly £40 was a large sum to spend in legal expenses over so short a period, yet it is by no means unique. At Cockermouth in 1279 the constable notes that he has spent £33 9*s.* 0¾*d.* before the judges at Carlisle, while the steward and Thomas de Weston spent £14 6*s.* 8*d.* in the eyre at

<sup>1</sup> *Fleta*, Bk. I, c. 19, § 7.

<sup>2</sup> 949/4, 1269, 4 qrs. oats to Richard de Middleton, justice of assize, at Northampton. 'In exenniis factis predicto justiciario [i.e. John Fitz-Martin] ex parte Comitisse 29*s.*' (984/2 Carisbrooke, and Forest.) Gifts to clerks are mentioned in 824/9 Constable of Cockermouth.

<sup>3</sup> 873/9 Weston, 8 Edw. I.  
<sup>4</sup> 984/9 Bowcumbe. Under 'Foresta' it is stated that 110 oaks were sent to Isabella at St. Denis, 'ad expend' dum fuit in itinere iusticiariorum'.

York,<sup>1</sup> where the question of the franchises was not decided until 1292. But the rights at stake were important and lucrative, and in such a matter money could not be stinted. There are, as will appear below, items in the accounts of the earl marshal which suggest some of the many ways of spending money in a law-suit, and which serve as a reminder that the *nihil sciunt* of hundred-juries does not necessarily indicate anything more than an unwillingness to convict.

The efforts of Isabella, Robert Bardolf, and John Hardington were not wasted, for confirmation was had of all the liberties claimed: return of writs, pleas of replevin, view of frankpledge, the assize of bread and ale, 'soke et sake, toll et theme, infangenthef, fourchefs, pillori, tribuchet, tumbrel, wreccum maris, liberam chaceam'; in the chace the countess had a fence month and free warren throughout West Medina. There were markets and fairs at Newport and Yarmouth.<sup>2</sup> At Cockermouth all the liberties claimed except those pertaining to the coronership were provisionally allowed in 1279.<sup>3</sup> Isabella was to have her market and fair, the assize of bread and ale, gallows, tumbrel, and pillory in her manor of Cockermouth, and free chace in Derwentfells and Braithwaite, 'salvo jure domini Regis cum alias inde loqui voluerit'. As in the Isle of Wight, it was claimed that whoever was constable of Cockermouth Castle was coroner of the *whole* honour, i.e. of the *Villata de Cokermere cum libertate quinque villatarum*, or *quinque villate de Cokermere*;<sup>4</sup> not merely of the Fortibus dower half, but of the Lucy portion as well, between the waters of Cocker and Derwent. The matter was taken up again in 1292<sup>5</sup> when Isabella and Thomas de Lucy were required to show by what warrant they claimed to have return of writs, infangthief, utfangthief, and pleas of replevin. Their right to have coroners was questioned, for they had not only tried appeals for felony in their court, but had proceeded as far as outlawry, *que ad coronam et dignitatem domini Regis pertinet*. Since the partition of the

<sup>1</sup> 824/11 and 1077/27, m. 3.

<sup>2</sup> This list is taken from Worsley, *History of the Isle of Wight*, App., p. lxxiv, who gives a transcript, though obviously an inaccurate one, from pleas before Salomon de Roffa at Southampton, the Octave of St. Martin, 8 Edw. I, but this has not been traced upon the roll as it exists to-day.

<sup>3</sup> *P.Q.W.*, pp. 115, 119.

<sup>4</sup> The style is used in A.R. 132, and frequently.

<sup>5</sup> *P.Q.W.*, pp. 115, 119.



honour between coheiresses in 1224 Egremont Castle had been held by the Lucys. Thomas de Lucy represented the right of the second of the three daughters of William Fitz-Duncan (Anabilla). Isabella, the descendant of the eldest co-parcener (Cecilia), had possession of the head of the honour, Cockermouth Castle, but shared the profits of the court with Thomas. The administration of the franchises was, however, admitted to be entirely in her hands. The Lucy steward sat with Isabella's coroner, when pleas of the Crown arose, and the profits of that court were shared equally.<sup>1</sup> She had, that is, her bailiff in Coupland, the liberty pertaining to Egremont Castle, which belonged to Thomas de Lucy, as well as in Allerdale, or the liberty of Cockermouth. The jury, as usual, decided in favour of the countess, but Isabella was dead before judgement was finally given in confirmation of her liberties.

So pleas of *Quo Warranto* in three counties cost one tenant-in-chief about £90. The direction in which some portion of the money may have gone is indicated by the following instances, which speak for themselves. In 1287 there was an eyre at Hertford, to which, as normally, each hundred in the county would send its jury to present infringements of the numerous *capitula* read to them. An intimate glimpse of how things were done is obtained from a contemporary account of expenses. One of the earl marshal's stewards, Ralph de Crepping, the bailiff, William de Glanville, and Philip the clerk went thither. But they did not go alone. Though Broadwater was a royal hundred they took with them the twelve jurors of that hundred, paying all their expenses, on the road and at the eyre,<sup>2</sup> where further sums were disbursed for favourable verdicts.

In expensis eorundem in itinere in cibo et potione cum xii juratoribus

<sup>1</sup> *P.Q.W.*, p. 113. Cp. A.R. 132, ms. 26d., 32, when it is complained that Isabella's bailiffs of Cockermouth distrained '*forinsecos homines de patria pro debito cuiuscunque conquerentis*', even if the latter was not a principal debtor nor a pledge. And if any one (*aliquis forinsecus*) bribed the bailiff he would let them distrain any one in the countryside for debt. The bailiffs of Carlisle extended their liberty in the same way.

<sup>2</sup> These expenses, according to Bolland (Selden Soc., Year Book Series, 8 Edw. II, p. xvi), were not allowed, but later practice seems to have admitted them (see *N.E.D. s.v. Demurrage*).

hundredi de Bradewatre et aliis ballivis supervenient' per vices omnibus computatis ut patet per parcelas 43s. 3d. In donis datis 12 juratoribus Hundredi (pro comite salvando)<sup>1</sup> pro duabus evasionibus latronum evenientibus in manerio de Weston 20s. Item datum Roberto Hereward et Willelmo de la Mare pro Radulfo Parkario salvando 13s. 4d. Ballivo hundredi pro eodem 4s. Clerico Vicecomitis pro eodem 4s. Item in ospicio conducendo cum focal' 5s. 6d. Item datum servienti itineranti vicecomitis 12d. ut nullam testificaret districtionem quam potuit invenire super Comitem apud Weston pro placito Executorum Walteri de Merton de £100.<sup>2</sup>

This example occurs on a schedule attached to the view of account, and, like the occasional schedules giving details of the view and audit, would naturally be compressed in the counter-roll into a sentence giving merely the names of certain officials *coram justiciariis apud H.* Such an entry is in fact found:

In expensis domini Jordani de Kingeston, Johannis de Hardington, Emerici de Verney ducentium diversos homines coram auditoribus domine regine usque Salr' et apud Lond' pro libertatibus Insule, Christi ecclesie, et Lymynton £6 15s. 4d.<sup>3</sup>

Though brief this entry is important. Queen Eleanor, wife of Edward I, died in November 1290, and shortly afterwards a commission was issued to R. de Ivynghe and others to hear and determine complaints touching the officials of the queen. These are the *auditores*, who sat at Salisbury in January 1291.<sup>4</sup> Before this commission the constable of the

<sup>1</sup> These three words are interlined.

<sup>2</sup> This is from a chirograph attached to 873/13.

<sup>3</sup> 984/13. This is under *castrum*. The bailiffs of the *curia militum* took 24 men to Salisbury and back for the same business (*ibid.*) at a cost of 18s. 3d.

<sup>4</sup> Records of this commission have survived in three assize rolls (nos. 542, 336, 1014), of which one of eleven membranes (no. 1014) concerns Hampshire. The bulk of the cases in this roll refer to accusations against the queen's officials of the New Forest, in which connexion the pleas of *pauperes homines*, *pauperes tenentes*, and (once) *servi tenentes* are prominent. These suitors frequently had judgement in their favour, but the amount of the damages is referred to King's Bench. The phrase is *loquendum cum rege*, but the completed form shows the procedure: 'Postea apud Westmonasterium predicta querela prius coram domino rege recitata, consideratum est per justiciarios quod . . .' (A.R. 1014, m. 5d.). Many cases were referred to Common Pleas, and some went thence *coram rege*. Only one case is reported to have gone before the Council, and in this case the Chancellor's decision is given (m. 9). Another is heard *coram ipso domino rege* at Stebenheth (m. 5). It thus seems that although the *auditores* were to hear and determine plaints, they had in fact, unlike the *auditores* of 1289, a strictly limited commission (cf. for 1289 Tout, *Chapters*, ii. 66, n. 1).

island, the bailiffs, and two household officials brought a jury of twenty-four men. Next year<sup>1</sup> John de S. Helena (the steward), Gilbert de Knoville, Emeric de Verney, and Roger de Gardino went to the island *pro exequendo iudicium coram auditoribus de libertatibus insule*.<sup>2</sup> This is hopelessly obscure, for the assize rolls as they now exist contain no judgement or mandate of any sort—save the order to provide a jury—concerning the liberties of the island. The only case in which Isabella was concerned was a huge bill of fourteen points put in nominally by Margaret de Redvers, for her dower manor of Christ Church Twynham, and an incomplete case about Lymington. The connexion between the auditors of complaints against the queen's officials and mandates concerning the liberties of the Isle of Wight is not apparent.<sup>3</sup> But it is none the less valuable to know that a jury required by a special royal commission 'for' the liberties of Isabella de Fortibus was taken to court under the supervision of five of her officials and at her expense. The expenses of the earl marshal over an inquisition about lastage are more explicit:

Item in lastagio apud Wyderinge et la Dalle perquirendo. In expensis factis in convocatione fidedignorum patrie procurandorum ad inquisitionem de dicto lastagio melius pro parte domini Comitis expedienda et in expensis factis die inquisitionis in convocatione juratorum et ballivorum comitatus 17s. 1½d. Et datus eisdem et subballivis comitatus 34s. Et datus Vicecomiti 20s. Et Thome de Merawe subvicecomiti et 3 clericis 10s. . . . In expensis super convocatione juratorum in [ ] de lastagio ad quosdam articulos ejusdem inquisitionis emendendos et eandem de novo sigillandam 6s. 10d. (1020/17 Boseham A.D. 1289.)

When in 1276–7 an extent had to be made of the lands of Aveline de Fortibus, three visits to Holderness and two visits to London were made by Robert Bardolf, Thomas de Weston, and the bailiff of Holderness. The three men com-

<sup>1</sup> September 1291 to September 1292. The number of men is given in another entry on the same roll.

<sup>2</sup> 984/14 Thorley. The Carisbrooke account on the same roll says that these men came *ad exequendum mandatum domini regis pro libertate Insule*.

<sup>3</sup> L.T.R.M.R., nos. 61, 62, K.B. 27/125–8, and the printed calendars of Close, Patent, Fine, and Charter Rolls give no clue.

missioned by the king to make the extent<sup>1</sup> each received gifts of deer (and so did various *milites de patria*), to the number of 14½.<sup>2</sup> Of these the sheriff had three. A later inquisition caused the expenditure of only 8 deer.<sup>3</sup>

Other entries of the same character are to be found:

Pacatum liberis hominibus de patria pro placito inter Comitem et Petrum filium Johannis de Donewac pro tenemento quondam Johannis de Glanuayle in Saxmoulham 20s. (1003/20 Peasenhall, 1296);

De 18s. de expensis 12 militum hundrede de Hoxne per vices in Comitatu apud Gypewyc' pro placito inter dominum Comitem et Ricardum Scot. Et de 13s. 4d. datis tribus militibus ejusdem hundrede pro suo auxilio in inquisitione (100/14 schedule, Keleshale, 1283).

Pacatis pro decima parte bonorum domini in Curia taxatorum ad opus domini Regis hoc anno 20s. In curialitate data taxatoribus pro mitigatione habenda in eandem taxationem, 12d.<sup>4</sup>

Pacatis pro vicesima parte bonorum [&c.] 14s. Datis taxatoribus ejusdem taxationis de curialitate pro mitigatione habenda [&c.] 2s.<sup>5</sup>

It was, of course, usual, and probably not illegal, to pay the expenses of any official coming to a manor in pursuance of his duty.<sup>6</sup> It was also usual to delay the king's writ, to expedite the work of the sheriff and his subordinates by gifts. To what extent hundred-juries could be thus encouraged or rewarded for favourable verdicts does not appear; that they could on occasion be bought is evident. It is, moreover, quite plain that the man who put himself on his country was expected to pay the jury's expenses. A case of great interest in this connexion is the history of the plea between James de Astley and the abbot of Lilleshall concerning land in Fresley in Warwickshire, granted to the abbey by Robert de Kayly, ancestor of Richard de Wythacre, and which Richard de Wythacre refused to warrant to them. Richard

<sup>1</sup> C.P.R. (1272-81), p. 236.

<sup>2</sup> 1078/16, the Park.

<sup>3</sup> 1079/9.

<sup>4</sup> Heckley Rolls, no. 12, in The Queen's College archives.

<sup>5</sup> Werror and Cosham, Isle of Wight, 7-8 Edw. I (ib.).

<sup>6</sup> Malton Priory spent £19 one year in gifts to sheriffs and bailiffs (Rose Graham, *Ecclesiastical Studies* (1929), 'The Finances of Malton Priory (1247-57)', pp. 267 ff.). For the Hospitallers, who had judges in their pay, see *The Knights Hospitallers in England* (Camden Soc.), lxx. 40, 58, 62, 68, &c. (cited by Bolland, *Year Book of 8 Ed. II* (Selden Soc.), p. xiii).



had already threatened, ill-treated, and imprisoned the abbot's essoinee in Sir Philip Marmion's court at Tamworth, so that eventually he failed to appear and the case went against the monks by default. But the abbot had the case inquired into by royal justices. Following an incomplete record of the case is a list of thirteen persons whom the abbot was prepared to challenge as jurors, with the grounds of exception, and a remarkable memorandum. Both these items are so unusual, and the latter so outspoken, that they may be given here in full:

Johannes de Mannecestre<sup>1</sup> non debet esse quia est de affinitate R. de Wythacre et eius Jur' et fide ligatus.

Anketillus de Insula non potest esse quia est filius amite Ric' de Wythacre.

Willelmus Fundu non potest esse quia habet in uxorem amitam Ric. de W.

[p. 190] Willelmus de Bracebrugge non potest esse quia est filius avunculi Ricardi de Wythacre.

Rogerus de Attleberg non potest esse quia senescallus est R. de W. et alia ratione, dominus R. de Hengham coram quo prior inquisitio transierat ipsum Rog. implacitavit pro fractione parci de Sustok.

Jordanus de Estleg non potest quia Jordanus de Wythacre pater Ric. de Wythacre ipsum levavit de fonte et semper fuit de concilio ipsius Ricardi et suus fide legatus.

Robertus de Kingesford non potest esse quia habet in uxorem sororem predicti Jordani de Estleg'.

W. de Edrices' non potest esse quia seneschallus est Johannis de Manecestr' et capit robas suas.

Petrus de Holtes non potest esse quia tenens est Rog. de Attleberg' et illius homo suis manibus, et ut supra Rog' est senesch' ipsius Ric' de W.

N. de Sokedon non potest esse quia homo est Ric. de W. sectam debens ad curiam suam de tribus septimanis.

Hen. de Seldon non potest esse quia dominus R. de Hengham coram Rege ipsum implacitavit et per breve de debito per quod gravabatur per breve de terris et catallis sepius ante solucionem et etiam uno assensit et una voluntate sunt idem ipsi H. et R. de Wythacr' et Jacobus similiter.

Johannes de Wilmicote non potest esse quia homo est et tenens

<sup>1</sup> Bod. Lib. MS. Dugdale 13, pp. 189-90. Excerpts made in 1638 from the Lilleshall register. The case was in or shortly before 1293. Cf. Dugdale's *Warwickshire*, p. 807.

domini Andrei de Estleg' fratris predicti Jacobi, et idem Jacobus habet in uxorem matrem predicti Ricardi.

Johannes de Grendon non potest esse quia quondam habuit in uxorem matrem Johannis de Mannecestr' et tenet Dershull de hered' dicti Johannis et alia ratione Rob. de Grendon filius Johannis de Grendon est armiger Johannis de Mannecestr' qui est de affinitate Ric. de Wythacr' ut supra.

*Item quod abbas mittat aliquem expertum in partibus de F. qui diligenter inquirat de iuratoribus et eorum nominibus et inducat juratores de benedicendo et inquirat qui sunt calumpniand' et qui non, et quas calumpnias veras et bonas versus Jur. habere poterit et quod reservat bonos si quos invenerit et omnimodo quod habeat N. de Warw. ad diem et quod mandet domino P. de Haverhull ubi poterit Abbati occurrere ante captionem inquisitionis et predictus P. inveniatur apud Suthstok vel Yerdeleg et hec omnia diligenter faciat.<sup>1</sup>*

These precautions seem to have been sufficient, for the next document from the roll is a quit-claim from Richard de Wythacre to the abbey. Until the Puritan Revolution gradually introduced a different standard of public morality, the government of England was doubtless similar in this respect to that of certain other countries to-day. In considering these hundred-juries one or two salient points are worth remembering. It was of the essence of the whole system that the jury was local and had special knowledge. In each hundred the number of men qualified to serve was not many score: at times it must have been difficult to find a panel. The jury for the eyre was empanelled not by the sheriff but by two knights of the hundred who had been elected by four knights of the shire, and there must have been many hundreds where every knight was by some economic or jurisdictional tie under the immediate influence of the local magnate. In Holderness only the archbishop and William de Fortibus had lands, and the earl had through the return of writs and his own coroner wide powers of coercion. In the Isle of Wight conditions were similar. In these two franchises then, and in many others throughout England, when juries were summoned to Westminster it was the business of the bailiff of the franchise, not the sheriff, to empanel the jury. That opportunities for corruption abounded

<sup>1</sup> The italics are mine.

cannot therefore be denied. We have seen, too, that it was apparently normal to convene the jury for the eyre, to 'inform it' and shepherd it to and from the court at the cost of the lord. 'It was not until the pleadings were finished and issue had been joined between the parties that the sheriff was ordered to have a jury at Westminster to determine. Presumably the issue was clearly formulated and explained to them by the sheriff, or by some deputy of his, and they had in most cases to make up their minds before they went into court what their verdict was going to be.'<sup>1</sup> Moreover, while this system was at its height every local court, whether of shire, hundred, manor, or barony, was making use of the old wager of law with oath-helpers, and this continued prevalence of compurgation must have reacted on the contemporary attitude to the jury. It had been necessary to persuade one's compurgators of the justness of the cause before bringing them into court, and suitably to reward them, no doubt, when they had played their part. The jury too could be coached and bribed. And to many a litigant weighing the advantage of either form of proof it must have occurred that between twelve neighbours empanelled or twelve neighbours swearing separately there was not much difference. The jury had not failed; it performed manifold functions for which other forms of procedure were inadequate, and it has provided us in the Hundred Rolls and the *Quo Warranto* pleas with a surprising mass of evidence against the officials of the day. But precisely where the Crown most wanted its verdict, where the power of the lord was strongest and the franchise most extensive, it relapses into silence, and the reason is not far to seek. It is not to be wondered at that Edward I took special measures to defeat those who pledged themselves by oaths to support each other's causes,<sup>2</sup> or that "The poor men of England" complain that juries are corrupted by the rich'.<sup>3</sup>

<sup>1</sup> Selden Soc., Year Book Series, 8 *Edw. II* (1315), ed. W. C. Bolland, 1920, p. xiv. Cp. *ibid.*, pp. xi-xiii, for the malpractices of sheriffs in summoning juries, and the legislation against them.

<sup>2</sup> Cam, *The Hundred and the Hundred Rolls*, p. 31.

<sup>3</sup> *Memoranda de Parlamento* (R.S.), no. 472.

## IV

### THE SYSTEM OF ACCOUNT

#### (i) THE MEANING OF A MANORIAL ACCOUNT

THE theoretical treatises dealing with private administration in the Middle Ages are of two kinds. Some deal generally with the duties of various manorial and household officials, others are merely to assist in the drawing-up or interpretation of account-rolls. These works enjoyed a popularity attested by numerous manuscripts, and were often written in Anglo-Norman. The best known form a group associated with the names of Walter of Henley and Robert Grossetête, and date apparently from the middle of the thirteenth century. There are four of them:<sup>1</sup> (1) *Les Reules Seynt Roberd*, a prose treatise on agriculture and household management, written by Grossetête for Margaret, Countess of Lincoln (who in 1242 married the Earl of Pembroke), in 1240-1. (2) Walter of Henley's *Husbandry*, which exists in many redactions. Walter is thought, from evidence which is still slender, to have been a manorial bailiff, a knight, and a Dominican friar.<sup>2</sup> (3) The anonymous *Seneschaucie* or prose treatise on the management of an estate. (4) An anonymous *Hosebonderie*, useful on the question of audit.

These little treatises are of value not only as showing how it was thought that private administrative systems should be worked, and for the information which they contain, but for the date at which they appear. For, beginning early in the century at the same time that actual account-rolls appear, they become more common just at the time when private accounts begin to be more frequent. Their familiarity with view and audit of account presupposes the existence of complicated machinery which was neither new nor strange.

<sup>1</sup> Edited by Miss Elizabeth Lamond for the Royal Historical Society in 1890. See further Johan Vising, *Anglo-Norman Literature* (1923), p. 69, nos. 328-30, and *D.N.B.*, s.v. Henley, Walter of. Some later examples are mentioned by Cunningham, *Growth of Eng. Industry and Commerce*, i. 220-1 (from MSS. C.U.L. Ee. i. 1 and Dd. vii. 6): and see *Legal and Manorial Formularies* (Oxford, 1933).

<sup>2</sup> I hope to discuss this problem in another place. A new edition of Walter of Henley was proposed by the Royal Historical Society in October 1933.



Further, the introduction of the action of account—of which the earliest instance dates from 1232—points also to the second quarter of the thirteenth century as the time when the nobility were taking an increased interest in the development and interconnexion of their estates.<sup>1</sup> Part of the reason, no doubt, was the influence of ecclesiastical example. The Winchester episcopal estates show a highly organized system of administration in being at the beginning of the century, and the fact that Stephen Langton at the Council of Oxford (1222) ordered monastic accounts to be rendered quarterly points in the same direction. The other type of tract sets out merely to inculcate proper accounting-methods by giving examples of manorial accounts. These, drawn up for the instruction of reeves, were becoming common in the later years of Henry III's reign. But the particular interest of these, as apart from the theorists, is that the earliest examples date from the first quarter of the thirteenth century. The earliest of which we have any knowledge are dated 6–12 Henry III, and are thus earlier than any existing accounts for lay seignorial estates.<sup>2</sup> They formed the basis for more extensive instructions by Robert Carpenter of Haslett, who seems to have been a bailiff and then a judge's clerk.<sup>3</sup> His examples, which are dated 1258–9, are remarkable in containing precepts for the use of dishonest bailiffs, to enable them to cheat their masters, whereas other works of this kind are written from the lord's point of view. He tells us,

<sup>1</sup> The boroughs, too, were elaborating organizations which have left traces in some places, as Shrewsbury (the accounts are said to begin in 1256—*Hist. MSS. Comm. Rep. XV*, pp. 25, 27) and Leicester, where the accounts seem to have become regularized in the third quarter of the thirteenth century (Mary Bateson, *Records of the Borough of Leicester*, p. lviii).

<sup>2</sup> These are in Brit. Mus. Add. MS. 8167, which was given to Westminster Abbey shortly after the middle of the century by William de Hasele (for whom see *D.N.B.*). The section introducing this exemplar has been printed in *Neues Archiv*, iv (1879), p. 339.

<sup>3</sup> For Carpenter cf. *E.H.R.*, 1935, pp. 1–14. His collections are in MS. Gonville and Caius College, Cambridge, no. 205, thence copied into Cambr. Univ. Lib. MS. Mm. i. 27, possibly by his son. The specimen accounts begin: 'Si quis voluerit scire compota ordinare et formam et artem inbreviandi, in hoc rotulo omnia que necessaria sunt secundum quod capitula in margine rotuli ordinati distincti fuerint invenire poterit.' He then tells us how to turn marks into pounds and vice versa (Add. MS. 8167, fol. 131<sup>v</sup>). The marginal headings are to be 'A. serviens de B. et C. prepositus redderunt compota eiusdem manerii a festo s. Michaelis a.r.r. H. tercii vno usque ad festum s. Michaelis anno eiusdem xii<sup>o</sup>' (*ibid.*, fol. 132).

for instance, how a sheepskin is to be made to look worthless, so that when the steward is not present the bailiff can sell it for a sum greater than its enrolled value and pocket the difference.

Carpenter's work came from the Isle of Wight, so it is not surprising that he should be acquainted with the accounting-methods of the Bishop of Winchester. A contemporary example also existed, by John of Marbury in Cheshire, dated 1258-9.<sup>1</sup> In neither case is there any mention of *computatores* or *auditores*. The delivery of money is to the steward or chamberlains (? of Chester).

For monastic estates some *regule compoti* of great interest have come to light. These emanate from the Cistercian abbey of Beaulieu, and are found in a custumal drawn up about 1300 for use in its grange at Faringdon in Berkshire.<sup>2</sup> The grange was no more than a large manor with four resident monks, under a warden, but this was not unusual. 'In grangiis nostris nullum preter nostros recipimus, quia habitacula sunt animalium potius quam vivorum.'<sup>3</sup> This, however, does not lessen the value of the rules, followed as they are by an actual example, in throwing light upon Cistercian economy in general. No other Cistercian accounts for this period are known, and the rules themselves are unique.<sup>4</sup> They are not merely for the grange of Faringdon but for all the abbey accounts, and the division between the departments of the various obedientiaries is shown in tables giving the prices at which goods were to be estimated in the accounts. A number of words that would otherwise be obscure are defined, as 'arrears', and 'forinsec', and the explanation of how to calculate the *valet* of a manor is not at all common.<sup>5</sup> Little, however, is said of the manner of audit.

<sup>1</sup> Bod. Lib. MS. Rawl. C. 775, p. 117.

<sup>2</sup> Bod. Lib. MS. Barlow 49. (Brit. Mus. Cott. MS. Nero A. xii is also a Beaulieu custumal.) Other monastic documents of this kind—at any rate at this date—are much more vague, e.g. the *scriptum quoddam* in the *Gloucester Chartulary* (R.S.), iii. 213.

<sup>3</sup> Ibid., fol. 91.

<sup>4</sup> The rules and the account form part of a register to which attention may be drawn as material for a study of social conditions in Berkshire. It includes detailed custumals of the Beaulieu estates in Berkshire.

<sup>5</sup> See below, pp. 128 ff. For some notes on the use of the word *valet*, in connexion with the phrase *in communibus annis*, as 'the value which the manorial extent was intended to express', see Lunt, *Valuation of Norwich*, p. 129.

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This is regrettable, as there is nothing on the subject in the Cistercian statutes.

The special collection of public records known as Ministers' Accounts<sup>1</sup> is a composite collection dating from 1858. Before that date some of the documents were housed at Carlton Ride and the Stone Tower at Westminster and formed part of the Miscellanea (K.R. side) of the exchequer, where they were mingled with the court rolls<sup>2</sup> belonging to the same lands which now form a separate class.<sup>3</sup> There are now over 3,000 bundles,<sup>4</sup> including accounts of those parts of the ancient demesne of the Crown not included in the sheriff's farm, accounts of lands confiscated from alien priories, the contrariants *temp.* Edw. II and the Templars, accounts rendered by royal officials for escheated lands, and accounts rendered to private owners for periods of years before the date at which they escheated to the Crown. It is to this latter section that the manorial rolls of the lands of Isabella de Fortibus, and of Roger Bigod, the earl marshal, belong.<sup>5</sup> Only in these two groups are thirteenth-century manorial accounts well represented at the Public Record Office.<sup>6</sup>

<sup>1</sup> P.R.O. List no. VIII.

<sup>2</sup> P.R.O. List no. VI.

<sup>3</sup> Giuseppi, *Guide to the Public Records*, pp. 342-5, and *Deputy Keeper's 20th Report*, App., pp. 95-111, for the old Q.R. Misc. references.

<sup>4</sup> Bundles 1-739 are Duchy of Lancaster from Edward I to George III, i.e. accounts for those lands which at any date before George III passed into the possession of the Duchy.

<sup>5</sup> Other early thirteenth-century accounts are 759/28 Brill, 35 Hen. III; 844/10 Havering atte Bower, 36 Hen. III; 890/19 Eltham, 1-3 Hen. III; 962/4 Woodstock, 27-34 Hen. III. See also *supra*, pp. 8, n. 4, 42, n. 1. The earliest ecclesiastical account-rolls known to me are:

Bishopric of Winchester	Pipe Rolls from	1208
St. Swithun's, Winchester	Kitchen, <i>Obed. Rolls</i> , p. 41.	1248-9 (1308 in print).
Christ Church, Canterbury	At Lambeth. James, <i>Catal.</i> iii.	1257.
Crowland Abbey . . . .	F. M. Page, <i>The Estates of Crowland Abbey</i> , Appendix—printed <i>in extenso</i> .	1258.
Norwich . . . .	<i>Early Comp. Rolls of Worcester</i> (Worces. Hist. Soc. 1908), p. ix.	1272.
Durham and Worcester .	Ditto.	1278.
Westminster and Ely .	Ditto.	1291.
Dean and Chapter of Exeter	<i>Hist. MSS. Comm. Rep., Var. Coll.</i> iv. 27.	1296-1525
Abingdon . . . .	Kirk, <i>Accounts of the Obedientars of Abingdon Abbey</i> (Camden Soc. 1892).	1322.

<sup>6</sup> There are hardly any at the British Museum. In private archives, those of Merton College and The Queen's College, Oxford, contain valuable material. Some

The manorial account is by no means the only class of document contained in the 'Ministers' Accounts'. A glance down the right-hand column of any page in the official list reveals the divers kinds of officials who render account. They can be split into two groups—royal and private accounts. A great number of these documents consist of accounts which were rendered at the exchequer by royal officials, often, though not always, for private lands momentarily in the king's hands. It is usual to find a series of private rolls followed by a series drawn up by a royal keeper or steward. This latter class is not of great use for the study of private administration; only a little can be gleaned here and there by way of contrast. The incidental allusions to the doings of officials are lacking. No reasons are given; they stick too closely to business. Besides, there is not the same necessity for minuteness, and exchequer officials have not the same opportunities of gaining an exact knowledge of the subjects as auditors who travel round from manor to manor.<sup>1</sup>

Under the heading of private accounts there is considerable diversity. There are, as well as manorial accounts, rolls drawn up by bailiffs over a group of manors, and accounts rendered by bailiffs of fees. If there is a series of yearly rolls for a manor, that manor is usually found to be one of a group. For if it stood alone its owner was probably not a tenant-in-chief, and so on his death the accounts would not pass to the Exchequer. Most of the thirteenth-century rolls can be related to a group, and the formation of this group has been decided by the exigencies of the audit, so that manors represented upon one roll often belong to different honours and to different counties. But the modern grouping of the Ministers' Accounts at the Public Record Office does not reveal much of the working of this audit, as the type of enrolment used varied from group to group. The Bigod

thirteenth-century Surrey accounts have been edited for the *Surrey Record Society* by Helen M. Briggs, with a Preliminary Note by Hilary Jenkinson (vol. xv, 1935), and Mrs. C. Lowry has written a D.Phil. thesis upon the Merton system of administration.

<sup>1</sup> These 'royal' accounts can be recognized at a glance by the exchequer system of vertical cancellation on a straight line running down the middle of the membrane. Another common method of audit was by underlining (or if necessary cancelling), as in a royal official's account for the Clare lands (Min. Acct. 1109/6).



auditors never enrolled more than one manor on one membrane. The Fortibus officials paid little heed to the more usual practice of reserving one side of a membrane for the money account and the other for the account of stock and grain; they wrote straight on from one kind of account to the other, and also from manor to manor, filling up four, eight, or more membranes with the audit of a whole bailiwick. Yet this does not represent any corresponding difference in the manner of audit, which for both systems was primarily a travelling one embracing a large number of manors on each *iter*.

The effect of this system of audit and the relative value of the different types of documents which it produced will be considered in a later section, for in matters of administration there is a point beyond which the form of a document cannot be treated apart from the hierarchical system which called it into being. It is, however, necessary to say that each roll in the groups Holderness, Skipton, Isle of Wight, Cockermouth, and Devon normally represents a continuous enrolment of the accounts of the manors into which those five bailiwicks were divided; it also includes the accounts of the group-bailiff himself, foresters, bailiffs of fees (for scutage, feudal incidents, and pleas), and other officials not responsible to the reeve. These rolls were termed 'counter-rolls'<sup>1</sup> and prepared yearly for the auditors. They are not, as will be shown, a mere transcription of the rolls presented by the bailiff and reeves.

For the study of administration the bailiff's account is of far greater value than a purely manorial account. The first roll for Holderness, for example, appears to be unique. It contains the account of the sheriff of the wapentake for the years 1261-4, and in some points resembles a private pipe-roll. The basis of it is the list of sums received by the sheriff from the various reeves and others of his bailiwick, and shorter lists of how he applied the money. In form it approximates, like all other bailiffs' accounts, to the scheme set forth below.

It is a curious fact that for no thirteenth-century family, except the de Lacys, have household and manorial records

<sup>1</sup> This is found from not uncommon endorsements.

survived together. For the estates of Isabella de Fortibus and the earl marshal there are excellent series of accounts: for the households of the Countess of Leicester and Bishop Swinfield the evidence is sufficiently abundant. But to describe the relations between household and estates the material is usually lacking. Something, however, may be gleaned from account-rolls about matters not primarily manorial. The names of those in authority occur frequently, and sometimes details are given of the business in which they are engaged. It is chiefly in the accounts of bailiffs and local receivers or constables that this information is to be found. If a large number of rolls survive, the minutiae of seignorial administration can often be extracted from entries under the heading *Foreign Expenses* or *Foreign Receipts*. Under these heads the accounting official put down any item not immediately connected with the agricultural working of the manor. Yet there is a limit to what may be learnt in this way, for the legal status of those whose names appear is not obvious, and if their movements are given, no purpose is stated and no date assigned. And when all this is known, if the man is not a local official, we are lucky to be told his title by one in twenty rolls. Without the records of the household—the rolls of steward and receiver-general—our laborious structure is ever tottering for lack of its proper keystone.

The type of manorial account that historians have chosen to regard as typical has often been illustrated. It consists of one membrane, on the front of which is inscribed a money-account, the arrears of the accountant, all that he has received, all that he has paid out, and a balance at the end. The endorsement consists of a stock and grain account, and sometimes an account of all the works due and performed on the manor. This looks quite simple, but the real meaning of any particular entry is often elusive and sometimes baffling, for the money-account is not complete. It does not necessarily include a valuation of everything that had been a source of profit during the year, though this was set forth by theorists as the ideal.<sup>1</sup> Whole herds of deer and forests of timber may be omitted, because they went to supply the

<sup>1</sup> Cf. *infra*, p. 128, n. 1.

household, and on the other hand half the total receipt might be made up of sums that had never really reached the accountant at all.<sup>1</sup>

All the thirteenth-century accounts for lay estates are in the following form:

Receipts,	
Foreign Receipts,	
Total	
Expenses,	
Foreign Expenses and Money Delivered,	
Total	
BALANCE	

This statement is not vitiated by the fact that there is often a multiplicity of headings so that the main divisions are not stated nor is their real presence obvious. This latter is the form used at an early date for the Winchester Pipe Roll. The Fortibus accounts, however, when in the form of the counter-roll prepared at the audit, use only these few headings. The view of account is rarely so well arranged. On the Bigod estates and the lands of God's House, Southampton, even the counter-rolls have a large number of marginal headings.

On all estates of which accounts have been seen, except Winchester, the system of including the money delivered to the steward, receiver, or other agent of the household under the *Expenses*, with the cost of working the manor and with the extraordinary charges, makes it obvious that the determination of profits was not the purpose of the account. The inclusion under *Receipts* of arrears, which may mean two opposite things—bad debts and cash in hand—points to the same conclusion. The balance between the two halves of the account, the charge and the discharge, described by Professor Levett as the 'spurious net balance', reveals the object of the document, by the way in which it is usually stated *et sic debet* . . ., namely the liability of the accounting official and his subordinates. This applies not only to the manorial accounts of reeves or manorial bailiffs, but those rendered by each and every local official.<sup>2</sup>

<sup>1</sup> e.g. the wool-sales in Holderness.

<sup>2</sup> The form described was also used by Merton College, and the abbeys of Osney

Even in their final form these manorial rolls read more like a day-book than a profit-and-loss account. Thus the gross receipts for a series of years cannot be regarded as by themselves capable of any economic interpretation. Only on isolated manors could a study of the receipts, less the arrears, yield any significant result. The reasons for this are not obscure. Every account begins with a statement of the arrears of the accounting official, and these are added in with the receipts (often stated as *summa omnium receptorum cum arreragiis*). The arrears, in the case of constables and receivers and bailiffs, represent to some extent cash in hand: but this is unlikely with reeves. Even when this cause of error has been subtracted, there is often an alarming fluctuation in receipts that might seem to indicate some profound economic phenomena. Further research reveals that the lord has stayed half the year at this particular manor: the vast quantities of grain and stock which are sold and go to swell the apparent profits, have been sold to the lord's own officials,<sup>1</sup> and come from other of his manors in the neighbourhood. Moreover, in the case of pastoral country there may be a drop from thirty sacks of wool sold one year to none the next, and the reason may be not an outbreak of murrain but a glutted market, so that bailiffs hold up sales in hope of a better price.

It is clear that the earl marshal's auditors often made their own estimate of farming-profits, for on a number of counter-rolls they are stated in a note, often hidden away by the folds of parchment at the end, and often, no doubt, clipped or torn away as the roll decayed. Out of 300 accounts examined only 35 contain this memorandum, worded in one of nine different ways. These instances are distributed over twelve manors, and occur between the years 1274 and 1304,

and Eynsham and the Maison-Dieu of St. Julian, Southampton. All these are many-headed. The simpler, and to modern eyes more excellent, form adopted in the Winchester Pipe Roll (Levet, 'The Financial Organization of the Manor', in *Econ. Hist. Rev.*, 1927, pp. 66-8) has not been noticed elsewhere.

<sup>1</sup> In the Maison-Dieu, Southampton, accounts the supplies for the hospital, revealed by the grain-and-stock account, do not appear at all in the money-account. For this reason the *proficuum* is sometimes double the receipts. The phrase in such cases is *Ad opus domini*—early uses of which in *The Pipe Roll of the Bishopric of Winchester*, ed. H. Hall (1208-9), *passim*, are not noted by Maitland (*Hist. of Eng. Law*, i. 233-9).



that is, roughly, for the whole period covered by the accounts. It is evidently the work of auditors, as it is found only on counter-rolls. The phrase is always in a pinched and hurried hand, as if it had been added at the very end of the audit. The following formulae are found on the earl marshal's estates:

'X respondet hoc anno (in profectu) (cum tallagio) de . . .'

'Proficuum manerii isto anno . . .'<sup>1</sup>

'Et sic valet waynagium 28s. 3½d.'

'Profectus hoc anno . . . Et sic deficit per extentam.'

'Et sic valet waynagium duarum carucarum per annum 26s. 6d., terra pro nihilo computato.'

'Waynagium unius caruce per annum £8 4s. 0½d.'

'Profectus istius manerii hoc anno cum stauro apprivato . . .'

Sometimes the amount given exceeds the discharge, and once or twice it exceeds the charge. It bears in fact no obvious relation to the account, and it is not easy to see how the exact sum was reached. No amount of manipulation of the various items in the money-account gives the required answer. A clue to the solution of the problem seems to lie in the mention of wainage, which is here used in the sense of 'gain arising from agriculture', a meaning which it almost certainly bears in Magna Carta.<sup>2</sup> An approximate result can be obtained by adding up the items in the stock and grain accounts after the balance.

Thus the artificial nature of a manorial account is again revealed. Fortunately the system of estimating profits was well developed upon the estates of Norwich Priory.<sup>3</sup> A special roll was kept there containing nothing but the *Proficuum maneriorum*,<sup>4</sup> and from this a clear idea of what was meant can be obtained.

From a cash total given, the record proceeds with the deduction of running expenses and such receipts as were not the outcome of the soil (perquisites of court, of mill, of tithes). The remainder is termed wainage.

<sup>1</sup> There are two instances of this in the fourteenth-century accounts of the Oseney Abbey estates. In a few cases the *valet* of a Clare manor is given (Min. Acct., Bundle 930).

<sup>2</sup> See Prof. J. Tait in *E.H.R.* xxvii. 720. *Studies in Magna Carta*: (i) 'Contentement and Wainage'; also the *N.E.D.*, and in Coxe and Turner's *Calendar of Charters and Rolls in the Bodleian Library*, p. 332.

<sup>3</sup> H. W. Saunders, *An Introduction to the Rolls of Norwich Cathedral Priory* (1930), pp. 11-14.

<sup>4</sup> These are extant for the years 1296, 1301-9, and 1332.

If this equalled the assessed value (as shown by the extent) 'of so much an acre on the land sown, the manor was considered as rendering a profit'. The monks went farther than this and tabulated the yield per acre of each crop. It is probable that what happened at Norwich Priory happened on numerous private estates. Once again the lack of household rolls is to be lamented. They alone would contain the *Proficuum maneriorum* and the estimate of grain-yields. When the *Proficuum* does appear on the manorial rolls of Norwich Priory, 'it is in very brief form, without detail or grain consideration, and appears on comparatively few of the accounts'.<sup>1</sup> Its use on these occasions is, moreover, quite inconsistent with the connotation adopted by the household officials. It was 'the sum compounded of the total bailiff's receipts together with a valuation of the corn sent to the parent house'.<sup>2</sup> Wainage here means a valuation of corn sent to the Priory, so the bailiff could and did 'declare a profit or loss as he wished by sending more or less to Norwich'.

Generally speaking the *Proficuum* of manorial accounts is left unstated, but where it is given, or where rules for determining it are given, it bears a close relation to the grain-yield. In an early fourteenth-century St. Albans manuscript rules for assessing the profit per carucate occur as a Latin addition to Walter of Henley.<sup>3</sup> Here, too, the calculation is based upon the grain sold—or deemed to be sold because used on the manor—less the running expenses.

A similar system was in use at Beaulieu Abbey in Hampshire, and has, by a piece of great good fortune, survived in the form of both a theoretical precept and an actual example. Both of these are printed in the Appendix on p. 169.

There is still insufficient evidence from which to generalize. But we have found on five important territorial agglomerations the use of a system which seems to imply a desire for improved methods of account. The *Proficuum* as it was used on the Bigod, Beaulieu, and Norwich estates was an attempt to change the bias of the account from an estimate of the liability of the accounting official to an estimate of yearly profit and loss. An account in this form is strikingly unmedieval.

<sup>1</sup> Op. cit., p. 14.

<sup>2</sup> Op. cit., p. 51.

<sup>3</sup> *T.R.Hist.S.* (N.S.), ix, pp. 22c-1.

## (ii) VIEW AND AUDIT

The accounts of private persons in thirteenth-century England were audited according to a system which was in many essentials parallel to the system of the royal exchequer. The chief point of difference is that whereas sheriffs and other persons had to go to the exchequer, private bailiffs or reeves had usually to wait for the auditors to come to them. The most striking similarity lies in the use by the king's exchequer and seignorial households of view and audit of account, whereby an interim statement was prepared about the middle of the financial year, to be superseded by the final account for the whole twelve months. In the later thirteenth century every man of importance (and every monastery or college) had auditors, whose prevalence is noted with some bitterness in that strange rhapsody *The Mirror of Justices*:

It is an abuse that lords should appoint auditors to hear their bailiffs' accounts without the consent of the bailiffs. . . . It is an abuse that bailiffs cannot recover damages against tortious auditors.<sup>1</sup>

Information about the way in which manorial accounts were audited is derived from references, in the rolls themselves, occasioned by the incidental expenses of those who heard the account, and more rarely by a schedule containing detailed notes drawn up after the completion of the account, together with a few facts derived from the balance at the end of the account. On the Fortibus estates these expenses are invariably found under the heading *Forinsece Expense*; on the earl marshal's lands they are under a separate heading *Expense Computatorum*, and in the fourteenth-century Clare accounts there is a heading *Expense Auditorum*. Often there is a tantalizing vagueness about the entries. The names of the auditors are concealed beneath the title *Computatores* (they are never called *Auditores* on Isabella's lands, and rarely elsewhere). Usually we are merely told that they made or 'took' the view of this year and heard the account of the last. Fortunately another type of entry gives not only their names, but the nature of the accounts they heard, the length of time they took, and where they went to when they had finished.

<sup>1</sup> Selden Soc., pp. 164-5.

At this point it is necessary to anticipate by dwelling upon the important distinction between view and audit of account.<sup>1</sup> At first sight the resultant documents are much the same. They are both ministers' accounts, some of which are well written, some are not; and that has usually been enough. The difference, however, is parallel to that between the view and audit at the exchequer, and it is an interesting speculation whether it was instituted in direct imitation of this by lay nobles, or whether, as seems more probable, they learnt to use it from their ecclesiastical neighbours. To the diplomatist the two are distinct in form. They come from different sources, at times represent different points of view, and were drawn up for quite different purposes. The view of estate accounts was made in the late spring or early summer. It was a half-yearly statement written out by the bailiff's clerk or by some clerk specially hired to draw up the accounts of a whole bailiwick.<sup>2</sup> It is often corrected by those who make the view, but apparently there is never an auditor's copy. No counter-roll, that is, was kept, though from the number now extant it must have been usual to preserve the original, no doubt at the manor to which it related. The audit, on the other hand, gave rise to a counter-roll written by an agent of the lord's household, the auditor's clerk. The term 'counter-roll' was technical, as it was in the wardrobe and the exchequer of the king's government.<sup>3</sup> These counter-rolls were made for purposes of reference. To facilitate this, on the Fortibus estates, the membranes were cut off to a wedge shape at the foot, and on the triangular portion was inscribed in a 'text' hand the regnal year and name of the estate.

These two types of documents are easily distinguished. If the roll is a view, this should proclaim itself in the heading (e.g. *Visus Compoti . . . prepositi de N.*). Beyond this there

<sup>1</sup> Failure to observe this distinction has sometimes led to conclusions which are quite unwarranted. *Vide infra*, p. 158, n. 1.

<sup>2</sup> Views of account for the whole year occur from time to time, e.g. F. M. Page, *Crowland Abbey*, p. 280. Most series of half a dozen or more private *compotus*-rolls contain a *Visus Compoti*, as in the Clare Min. Acct., bundle 930.

<sup>3</sup> See 1077/27, m. 3d. at the foot—*Contrarotulus de Cokermue et de Harewode de anno Regni Regis E: septimo*. 984/7 is the Isle of Wight, and 824/11 the Coker-mouth, portion of the same roll.



is usually a noticeable simplification of arrangement in the counter-roll. Items which are under separate heads in the view are lumped together in the audit as one entry. There is a difference, too, in the size of the parchment. Some of the early accounts of Holderness are the finest counter-rolls extant. About the width of a Pipe Roll, they are in a somewhat similar hand, while there is the same minute care to prevent corrections except by erasure. Contemporaneous counter-rolls for Holderness and the Isle of Wight, no less than for the Radston group, Skipton, and Cockermouth, are naturally in the same hand—a feature which serves as a reminder of the administrative ties which they represent.

The historical value, however, of a document cannot be measured by the degree to which it satisfies the aesthetic sense, and although we may greet with relief the dignified characters of the counter-roll after the crabbed and irregular hand of the view, there is often cause to regret that more examples of the latter class have not survived. Their value as material for the history of private systems of audit can be seen from the following examples of drastic compression by auditors:

In expensis R[icardi] de Sandford et Galfridi de Aqua ante festum sancti Martini in auditu visus compoti Johannis atte Hone per xv dies vs. xd. et dim. Et tunc lib' eidem Galfrido ad expensas suas versus Northfolk xiis. vd. ob. Item in expensis Roberti de Benhale in auditu visus compoti citra festum sancti Dunstani xivs. id. per unam talliam et ivd. ob. ultima die post confectionem dicte tallie. Et in expensis eiusdem Roberti apud Cycestriam per unam diem ijs. iijd. Et in expensis Petri clerici Roberti de Benhale in auditu visus compoti citra festum translacionis sancti Thome martiris iijs. viijd. Et in pargameno empto et eidem liberato iijd. Et eodem tempore in expensis clerici receptoris super eundem visum ijs.

All this has been reduced to 'in expensis computatorum pro compoto audiendo per talliam xljs. id. et quad.'<sup>1</sup>

Further distinction can be drawn between the bailiff's draft of the final account and the auditor's copy. The men who hear the account are not content with merely balancing the receipts and expenses, and checking the sums proper to each. They eliminate superfluities and rectify errors of form.

<sup>1</sup> 1020/16 Bosham.

Min. Accts. 768/9 and 768/10 offer good examples of this. Both deal with the manor of Kennett for the year 6-7 Edw. I. The former is the auditor's, the latter the bailiff's copy. The following item shows the compression, the part italicized being omitted in the final version:

Et sic debentur domino Comiti xlvj *li. viijs. vd. ob. De quibus remittuntur Willelmo preposito xlijs. de .x. quarteriis siliginis venditis super ultimum compotum de incremento exitus, quia inquisitum fuit quod sufficienter respondebat.* Et in suspenso xxxvs. de instauro misso apud Saham tempore Roberti le Long prepositi. Et sic debentur domino de claro xlij *li. xis. vd. ob. De quibus Willelmus prepositus predictus debet de arreragiis suis de annis precedentibus x li. vjs. ix d. ob. Item debet xxxivs. de ii bobus i bovetto, et i juvenca venditis super compotum.* Et iijs. ivd. *de coribus i bovis et i vacce mortuis de morina in parco de Gestreford.* Et Osbertus nunc prepositus debet xxxli. vijs. vijd.

There is nothing of great interest in the subject-matter of this example, but it illustrates the possibilities of the method, and since this was a process which every account underwent twice before it became a counter-roll it is obvious that for many purposes the drafts drawn up for the view, and still more the documents with the aid of which this was composed,<sup>1</sup> are the most valuable form of the Minister's Account. The most striking illustration of this is the Radston roll for 44-52 Hen. III, a roll of manorial accounts drawn up after the Rebellion, and one of the very few that survive for that period. The wealth of detail provided by this document is quite remarkable. It is not a counter-roll, but the bailiff's draft. Again, for the study of local handwritings manorial counter-rolls will be of less value than drafts or court rolls, which were written up locally.<sup>2</sup> For accounts it will first be necessary to decide in the case of any manor to be studied whether or not it belonged to a group of estates which made use of an itinerant audit, and whether that audit employed its own clerk. The problem is not a simple one. It is quite evident, however, that on the Fortibus estates a clerk who went round with the auditors wrote the counter-

<sup>1</sup> e.g. the Harewood account for 1287. See p. 149.

<sup>2</sup> 'In roba clerici castri pro rotulis curie scribendis per annum 13s. 4d.' (921/26 Chepstow). His wage is a yearly item, though the court rolls are not always mentioned.

rolls,<sup>1</sup> while the earl marshal's lands provide a greater diversity of hands.<sup>2</sup>

The final stage seems to have been the 'registration' of accounts. Though mention of it only occurs once, the single instance is valuable as showing conclusively what would in any case have to be assumed, that the account was checked by the extent.<sup>3</sup>

Certain differences are apparent in the mode of producing the Bigod accounts. The sparing use of marginal headings common in the Fortibus system is replaced by a form which splits up receipts and expenses into numerous items, producing a type of document not very different in appearance from the *Visus Compoti* of the Fortibus manors. The Bigod counter-rolls are narrower by about three inches, written in a smaller and more crowded hand, and there is much greater variety in the type of hand. Almost all are heavily ruled. A noticeable feature is that many are joined in what was afterwards known as 'chancery' fashion, and this can often be seen to be the original method and not a later arrangement. On the Fortibus estates the reeve alone appears in manorial accounts as the responsible official. Auditors do not recognize any lower unit. Some one must be responsible for the whole financial state of the manor. Sometimes, as at Borley, the bailiff and reeve rendered a joint account, but the bailiff also rendered separate account for his personal receipts and expenses. On the earl marshal's estates the subsidiary manorial officials appear in much greater prominence. In the names of the accounting ministers there is great diversity: but it is not usual to find the reeve's name alone at the top of the roll. The heading usually includes

<sup>1</sup> This has still to be worked out in detail. A particularly striking example, however, is that 984/7 (Isle of Wight, 1279) and 1077/27 (Harewood, 1274-9) are in the same hand.

<sup>2</sup> 'In stipendiis clerici facientis compotum 13s. 4d.' (1020/14 Bosham: a yearly item). 'In stipendiis clerici facientis compotum 6s. 8d.; in expensis ejusdem 2s.' (748/18 Hampstead). This is under the heading *computatores*, and it would be quite in accordance with thirteenth-century accounting practice if this referred to an itinerant clerk receiving his expenses locally, like the auditors. Cf. p. 147, n. 1.

<sup>3</sup> 984/2 (Lymington 1270) 'Iste compotus non est registratus eo quod est contentio de 10s. 9d. de redd' sicut invenitur per extentam quemdam factam per dominum Martinum de Campflorum' [Champflowers]. This is at the bottom of a narrow slip of parchment nearly as long but only a third of the width of the usual membrane. It is headed 'Computus veteris ville de Leminton'.

the bailiff or sergeant and the steward, as well as the beadles and collectors of rents.<sup>1</sup> The duties of the beadle were essentially connected with courts. At Chepstow there was a beadle of the borough who collected the profits of pleas, perquisites, and amercements of the court and delivered them to the earl's receiver at the Castle.<sup>2</sup> There was also a *bedellus patrie* who stood in a similar relation to the manorial court and acted also as a collector of rents.<sup>3</sup>

The practice of seignorial households in the matter of appointing auditors differed widely. With some the local officials were often appointed: in others they shared hardly at all. On the York archiepiscopal estates the steward of the household is spoken of as if he were the normal person to audit local accounts, but in his absence the bailiff of one district would be sent to audit the accounts of another.<sup>4</sup> Commonly two clerks of the household, of whom one was the steward, were sent out on this business, but sometimes one of the auditors was a bailiff.<sup>5</sup> There is here considerable diversity of practice, but it is interesting as coming quite near to contemporary theory, which distinguishes clearly between the office of steward and the office of auditor while insisting on the presence of the former at the audit. The steward is to be 'adjoin as contours ne mys com sovrein ne com compaignon del acunte mes com collateral', for he must answer for everything done by his command, besides being responsible for the fines and amercements of the courts.<sup>6</sup> The distinction between 'compaignon' and 'collateral' brings out clearly the ambiguous nature of his position at the audit.<sup>7</sup>

<sup>1</sup> e.g. 997/3 Framlingham—collector, reeve, and beadles; 997/4 collector, reeve, and repereve; 937/28 Lopham—sergeant, collector, reeve, and beadle. At Londres the reeve alone accounts, at Hanworth never.

<sup>2</sup> 922/9, 32 Edw. I.

<sup>3</sup> Ibid. The sums thus collected are frequently mentioned as *per talliam contra bedellum* (e.g. in 875/15). The beadle is thus acting as *contratalliator*, an office occasionally mentioned elsewhere.

<sup>4</sup> Greenfield's *Register* (Surtees Soc.), i. 202. He also receives large sums directly from the estates (ibid. 191).

<sup>5</sup> Greenfield's *Register* (Surtees Soc.), i. 193, 198, 203, 247.

<sup>6</sup> Lamond, *op. cit.*, pp. 87, 107.

<sup>7</sup> There is a similar distinction between the steward and the auditors (one of whom was a Friar) on the Bishop of Hereford's estates (*Swinfield*, Camden Soc., pp. 33, 142). At God's House, Southampton, the steward was one of the auditors (Gussage Roll, no. 4, at The Queen's College).



On the Fortibus lands the practice was otherwise. Until 1277 and again after 1286 it was the custom for the steward to act as chief auditor.<sup>1</sup> While Adam de Stratton was steward his place at the audit was taken by Robert Bardolf<sup>2</sup> and Robert Dimmock. There were here limitations to the duties of the chief auditor. Whether or not he was the steward, the chief auditor did not make views of accounts: this was left to the confidential clerk or a bailiff. He did not go as far north as Cockermouth. The visit of Sir John of St. Helen's in 1290 was quite exceptional.

A further point worthy of emphasis is that, since local accounts run from Michaelmas to Michaelmas, and household officials took office usually at Midsummer,<sup>3</sup> in any two accounts for the same year there may be different chief auditors, because the auditors are sent out from the household and the audit may fall before or after Midsummer. Thus on the Fortibus estates in 1274 the estates steward, La Warre, audited the Sevenhampton account, but the bulk of the work this year was done by Godfrey de Acre. In 1275 Godfrey de Acre, now steward,<sup>4</sup> was auditor at Sevenhampton, but William de Merlay, his apparent successor, was chief auditor for most of the estates. In 1276 William de Merlay overlaps with Robert Bardolf, the next steward, and he in 1284 with Robert Dimmock, who in 1290 gives place to John of St. Helen's. After the steward, whose name is always put first, comes the confidential clerk. From 1274 to 1290 this is Thomas de Weston, whose career is sketched in another place.<sup>5</sup> His predecessor seems to have been Ralph de Bray, sometime constable of Carisbrooke. With these two there is generally a third, frequently the bailiff of the lands concerned, but only the more important bailiffs

<sup>1</sup> When a previous audit is referred to, otherwise than in the expenses, the account is described as being rendered 'coram domino X' [i.e. the steward], e.g. 1078/12, m. 2, and more explicitly, 'set debet inveniri si de predicto incremento reddiderit compotum senescallo, et tunc debent ei allocari' (A.D. 1266-7, 1118/16).

<sup>2</sup> He was probably, as he had  $\frac{1}{2}$  fee in Adstock of the honour of Peverel in 1284, a descendant of one of the five nieces and coheirresses of Robert Bardolf of Hoo (Kent) who held five fees of Peverel in 1219 (Farrer, *Fees*, i. 149). He may have been a relative of Drogo Bardolf, Isabella's bailiff of fees in Dorset, who died 1284, when Matilda Bardolf had the wardship of their son (984/10).

<sup>3</sup> Cf. *supra*, p. 17, n. 2.

<sup>4</sup> *Vide supra*, p. 76.

<sup>5</sup> *Supra*, pp. 36 ff.

were thus employed. Robert Hildyard, bailiff of Holderness between 1271 and 1286, often heard the accounts of the northern estates, while the constable of the Isle of Wight did similar work in the south, and the constable of Plympton took part in the audit in Devon. Most of this information is gleaned from the customary statement of the expenses of the audit found in the foreign expenses of each accounting-unit. Such phrases end with a mention of the 'others', or clerks, who accompanied the auditors. When the steward could not be present an audit was occasionally made by Thomas de Weston and a bailiff. Stewards of the household and receivers-general occur but rarely—Robert Makerel and William de Rodestone are found once and twice respectively, at times when neither of them was in office. Other men who acted were: John de Munpellers, Martin of Champflowers, Sir William Marmiun, William de Castro, Richard of Chesterford, the Cellarer of Thornton Abbey,<sup>1</sup> John de Kirkby, Sir John Fitz-John, and Walter de Rumbidge.

Little is here done by regular ecclesiastics.<sup>2</sup> It was perhaps natural that the cellarer of Thornton Abbey, an Aumale foundation, should spend twenty-six days auditing the accounts of Holderness, for the Benedictine cellarer was the equivalent of the lay steward, and so was well qualified to serve.<sup>3</sup> This can at any rate be paralleled on the earl marshal's estates, where the Abbot of Tintern played an important part in the administration. Tintern was a Gloucester, not a Bigod, foundation, but the abbot was a well-known political figure, much occupied in affairs, who in 1267 was one of those assigned to hear the *Querele* of the Disinherited.<sup>4</sup>

<sup>1</sup> Add. MS. 6118 (Gervase Holles's collections from unknown sources) contains a valuable list of the obedientaries of Thornton Abbey between 1239 and 1320, which shows that the cellarer (1262-77) was Simon de Pinchbek. Cp. the detailed description of the cellarer's functions at Bury St. Edmunds in *Mon. Ang.*, old ed., i. 297.

<sup>2</sup> Though two of Isabella de Fortibus's executors were monks—the priors of Breamore and Christ Church Twynham. A monk of Meaux was concerned with her bailiffs in litigation with the Earl of Cornwall over Swindon Wood (Min. Acct. 984/10, Isle of Wight 1284).

<sup>3</sup> *Reg. S. Ben.*, cap. 21.

<sup>4</sup> Jacob, 'The Reign of Henry III', in *T.R.H.S.*, ser. iv, vol. x, p. 25. Cf. Close Roll 51 Hen. III, m. 9d.

Other monks of the same house also served the marshal as auditors. This activity of regular clerics in secular matters may seem improper, and it did indeed offend Grossetête, but it was not unusual. It shades into ecclesiastical business when a canon of St. Oswald's acts as the Archbishop of York's receiver at Churchdown.<sup>1</sup> There was thus some opportunity for the interaction of lay and ecclesiastical systems of private administration. It may further be noted that in the thirteenth century abbots acted as judges of assize,<sup>2</sup> as royal ambassadors,<sup>3</sup> escheators,<sup>4</sup> or special commissioners,<sup>5</sup> or even treasurers of the realm.<sup>6</sup> The reason for all this lay partly, no doubt, in the scarcity of well-qualified laymen. Not merely literacy, but training in administrative business, was required. There were innumerable bailiffs and many stewards available, but the number of laymen or mere clerks who were fitted for higher office was perhaps not quite equal to the demand. This feature is particularly marked in the middle years of the century. So far as private administration is concerned, the step from ecclesiastical to lay business was always a short one, for the financial and judicial aspects of estate management were largely the same whether the lord was lay or ecclesiastic. The proportion of regular clerics likely to be found is illustrated by the following list of men who acted as auditors on the earl marshal's manors:

The Abbot of Tintern . . . . .	1271-1290
Sir Philip de Bocland, kt. <sup>7</sup> . . . . .	1278
Andrew de Colchester, clerk of the wardrobe. . . . .	1278-1284
Ralph de Crepping . . . . .	1283-1284

<sup>1</sup> *Greenfield's Register*, pp. 264-5. For Grossetête's attitude see his letters (R.S.), pp. 105 ff.

<sup>2</sup> Foss, *Judges of England*, vol. ii *passim*. *Cl.R.* (1254-6), pp. 154, 442; Magd. Coll. Bucks. Ch. no. 40, and Lincs. Ch. no. 144, for Ralph, abbot of Crowland, as itinerant justice in 1272.

<sup>3</sup> *Cl.R.* (1254-6), p. 362; (1256-9), pp. 88, 289, for Henry, abbot of Shrewsbury, ambassador to Spain.

<sup>4</sup> *Cl.R.* (1254-6), pp. 43, 74, 110, for the Abbot of Pershore, who a little later was a justice (*C.P.R.* (1247-58), p. 432).

<sup>5</sup> *Foedera*, I. ii. 498 (1272), Abbots of Dore and Haughmond to receive Llewelyn's homage. *Cl.R.* (1247-52), p. 146, shows Brother William de Tharent as the queen's steward in 1249.

<sup>6</sup> The Abbots of Peterborough and Caux were in turn treasurers.

<sup>7</sup> Member of the household in 1279 (768/8), and steward of the liberty of Carlow in Ireland. He was a *familiaris* as early as 1257 (*C.P.R.* (1256-9), p. 151).

John de Loden	1284
Robert de Benhale <sup>1</sup>	1287-1290
Richard de Sandford	1288
Geoffrey de Acqua	1288
Henry de Bungay, clerk	1289-1300
William de Castro	1290
Sir Henry de Broun	1291, 1293
Sir Edward, monk of Tintern <sup>2</sup>	1293-1304
Reginald, clerk (de Shalford)	1293-1295
Richard de Luchteburgh <sup>3</sup>	1294-1295
Nicholas de Bungay, clerk	1300
Benedict	1300
Brother John de Glemham	1301
Bartholomew, clerk	1301-1303
Ralph de Siccaville, <sup>4</sup> clerk	1301
Brother Geoffrey of Tintern	1301
Sir William de Overton	1302
Ralph de Rudham	1302-1304
Geoffrey Tylwy	1303
Sir Geoffrey de Colchester <sup>5</sup>	1304

The names of some twenty auditors are here (1271-1304). Among them the Abbot of Tintern occurs four times<sup>6</sup> and three other monks are mentioned in different years. They usually worked in pairs with a clerk: it is remarkable that none of them, not even a clerk, is maintained in office for any great period of time. The auditors seem to have had few other duties. They do not appear in the accounts in other capacities, except in the general supervision of manorial purchases, sales, or stock. They came to estimate the amount of grain that a manor would produce, or to supervise the sale of it,<sup>7</sup> to levy money or arrears, and the monks who are numbered with them share these duties also. The clerk, in particular, was a professional, and never occurs in any other capacity. Though neither local nor household officials normally act as auditors, the view is sometimes

<sup>1</sup> A member of the household in 1279.

<sup>2</sup> Audited the Irish accounts in 1304.

<sup>3</sup> Perhaps the man who is earlier a Clare official (*supra*, p. 13, n. 4).

<sup>4</sup> Or Sechevill, was a clerk of the marshal's wardrobe in 13 and 29 Edw. I. For his manor of Clist Secheville see *C.P.R.* (1266-72), p. 34.

<sup>5</sup> Audited the Irish accounts in 1304.

<sup>6</sup> *Supra*, p. 138.

<sup>7</sup> 873/15.



made by one of the clerks of the wardrobe. The auditors are sent out from the household, but are completely distinct from the local as well as the central staff. It is a highly specialized position.

The irregularity of the Bigod audit has already been noticed, and it has also been remarked that whereas Isabella's steward is her chief auditor, the Bigod accounts preserve a complete distinction between the expenses of the auditors and the expenses of the steward. They are never found under the same head. The steward merely appears as the official who holds courts. In this separation of function we see a system approximating more closely to that described by the theorists.

Rogers, referring to the estates of Isabella de Fortibus, the earl marshal, and Merton College, conceived a 'simultaneous audit' for all the manors, and allotted this immense task, on the Bigod estates, to John Bigod, the earl's younger brother.<sup>1</sup> The 'simultaneous audit', if it means the successive audit of many accounts at a prolonged session, is directly opposed to the views of the theorists, who held that the accounts ought to be heard not in one place, but by itinerant auditors going from manor to manor.<sup>2</sup> In actual fact the accounts of a whole bailiwick were often dealt with from one point, and this makes it the more surprising that the marshal's auditors seem never to have enrolled more than one manor at a time. On Isabella's manors there was at times a general audit at one spot. This was so in 1266,<sup>3</sup> when all the officials had to render account at Carisbrooke, where even in normal times all the island accounts were heard, and frequently the manors of Holderness were dealt with from one centre. Moreover in some years the Cockermouth officials come to Holderness, and once the bailiffs and reeves of Radston and Naseby go to London. But as a rule it is a travelling audit. The *Computatores* spend no small portion of the year in travelling from the island to Radston, Harewood,

<sup>1</sup> I have seen John Bigod's name as auditor in two rolls, but, having lost the reference, I have not included him in the above list.

<sup>2</sup> Lamond, *op. cit.*, p. 104, and *Fleta*, bk. ii, cap. 88, § 2.

<sup>3</sup> 1087/6, m. 2, shows Devon and Yorkshire accounts on the same membrane and in the same hand. The Holderness accounts ran to Easter and were audited in Carisbrooke Castle at the end of June. '*Alanus instaurarius reddit compotum suum in castro de Karesbroke in festo apostolorum Petri et Pauli*', 1266 (1078/8).

Skipton, Cockermouth, and Holderness. With dominions so unusually scattered, the task of supervision cannot have been easy. The earl marshal's auditors, moreover, had to go to Ireland.

In the early years of the Countess Isabella's widowhood (1260-93) the audit of Holderness took something over three weeks, Devon a fortnight, and the island the same time. Altogether, if the same auditors had gone round every group, it would have taken them about four months. Under these circumstances to make a separate visit to every manor was obviously impossible.

The other extreme, adopted after the Rebellion in 1266, a general audit at Carisbrooke, was, if not impossible, at least extremely undesirable if the accounts were to be strictly examined. For an audit necessitated the presence of the half-dozen subsidiary manorial officials besides the bailiff and reeve, if the doings of the latter were to be properly supervised. A rough estimate would allot fifty reeves to Isabella de Fortibus, so that the arrival of these and their inferiors in the island would have meant that accommodation was required for a swarm of three hundred folk. It is unlikely that Isabella or even the marshal ever contemplated a 'simultaneous audit' on this scale. The general audit of 1266, therefore, can have been but a makeshift, at which only reeves and bailiffs, and certainly not all the former, were present.

The auditors, as intimates of their masters, were allowed considerable discretion in dealing with officials.<sup>1</sup> Yet they were not in absolute control, for their lord might ask them for the rolls of account,<sup>2</sup> or he might himself be present at the audit. Isabella's presence is mentioned in 1263, 1266, 1282, and 1290, at Holderness, Carisbrooke, and Radston. It is known that she was there, because something was remitted to a bailiff by her special grace, or because a view made in her presence is authority for a payment.<sup>3</sup> The ideal lord would compare the rolls with those of previous years, with the estimates of corn and stock made in August, and with the extent.

<sup>1</sup> In 1300 a debt of 7s. was pardoned to the reeve of Forncett *ex gratia computatorum* (935/14).

<sup>2</sup> Lamond, pp. 106, 130.

<sup>3</sup> 824/6, 824/14, 1078/21.

The auditors were to 'hear the complaints or wrongs of everybody who complains of the steward or reeve or hayward, or any other who is of the manor, and see that full justice be done to freemen, villeins, customary-tenants, and other plaintiffs, such as by inquest can be had'. They must know the articles of account to be heard at each manor 'so that they can in a day or two see whether the officials are doing their duty', when they can 'take inquest on the things which are doubtful'.<sup>1</sup> At times appeals over the heads of the auditors appear.<sup>2</sup> The results of this are seen in the marshal's writs to his auditors, some of which are printed in the Appendix.

It was thought proper that the view should take place once (or, according to another reading, twice) a year.<sup>3</sup> The scattered manors ruled by Isabella were not, however, capable of such precise treatment. The normal method was to hold the audit of the last year with the view of the current one. Occasionally the expenses of the audit of a document are included in that same document,<sup>4</sup> but usually the details of the audit of a counter-roll must be looked for in the accounts of the subsequent year. We find such a system on the Fortibus, Bigod, and Clare<sup>5</sup> estates, the lands of the Maison-Dieu, Southampton, and the lands of Adam de Stratton and Bogo de Clare.

It would have been futile, however, to take the view of the current year at Michaelmas, so that on these lands the audit must usually have occurred well on into the next financial year.

According to Walter of Henley<sup>6</sup> one of the chief objects of

<sup>1</sup> Lamond, p. 106.

<sup>2</sup> In *Lit. Cant.* (R.S.), i. 90, 91, is the *submitio* of a reeve who has appealed (A.D. 1322) from the auditors to the Prior and Convent.

<sup>3</sup> Lamond, op. cit., p. 32. For a few lines upon the frequency of audit of accounts on ecclesiastical estates see R. H. Snape, *English Monastic Finances* (1926), p. 66.

<sup>4</sup> 'In expensis Willelmi de Stratton et Johannis de Wydihulle audientium Compositum istum' (A.D. 1284, 848/30, and similarly under A.D. 1285, *ibid.*, m. 2. Both are counter-rolls of the manor of Widford in Essex).

<sup>5</sup> In the Clare accounts the entry relating to the audit is detailed: '... existentium hic [at Hundon] per iv dies et iv noctes mense Junii pro finali compoto capiendo, statum et staurum ibidem supervidendo et examinando ac Visum compoti de hoc anno capiendo tam de isto manerio quam de ballivis Norff', Suff', et Wodehall.' This was in 46 Edw. III: the year before the view was in May, and in 43 Edw. III in August. Sealed bills were fairly generally used instead of tallies at this date.

<sup>6</sup> Lamond, p. 32.

the view was to take from the bailiffs whatever money had been collected, 'car souvent auent ke serianz e<sup>e</sup> provoz par euz ou par autres fount marchandyse des doners lur seynur a lour prou e ne mye al prou lur seynur'. It is in fact often stated that the auditors came to make the view, and *pro denariis levandis*. This view is not always made by the auditors. When it is held separately from the audit it is often done by lesser men. On one of the few occasions of which we have exact knowledge it was made by the bailiff at the Great Court at Skipton on the Vigil of Michaelmas.<sup>1</sup> It never occurred more than once a year on Isabella's lands, but the earl marshal's accounts constantly speak of views in the plural, and sometimes a definite date is assigned to each. An audit and two views per year was a not uncommon arrangement. Sometimes the auditors are said to have come *plures vices*.<sup>2</sup>

The regularity of the view and audit on Isabella's manors is no doubt partly responsible for the preservation of so many beautifully written counter-rolls. It is comparatively rare that the accounts of more than one year are heard together. The two notable exceptions are the bailiff of Borley's account, which was allowed to run on for seven years before it was heard, and Radston, which was not audited for the same length of time. With the earl marshal it was otherwise. He had a larger number of manors, and the auditors had also to go to Ireland, which must have doubled their labours. The manorial accounts are therefore often allowed to run for two, three, or even five years without being audited.<sup>3</sup> The bailiwick of Chepstow in 1291 had no accounts audited for the last eight years. Similarly the de Lacy accounts at Ightenhill were audited for four years together.<sup>4</sup>

The business of a general audit cannot have been light.

<sup>1</sup> Min. Acct. 1087/6.

<sup>2</sup> The fifteenth century provides an example of a quarterly view of account (*Eynsham Cartulary*, ed. Salter, vol. ii, pref., p. xiii).

<sup>3</sup> e.g. Hampstead in 6 Edw. I was audited for 3 years (748/18), Weston in 23 Edw. I for 3 years (873/16) and in 28 Edw. I for 5 years (873/20), Chesterford in 23 Edw. I for 3 years (873/20) and Kennett for 2 years (*ibid.*), Stokes in 29 Edw. I for 3 years (1030/22), Hanworth in 19 Edw. I for 4 years (937/1), Walton in 15 Edw. I and then not till 19 Edw. I.

<sup>4</sup> *de Lacy Compoti*, p. 15.



Some of the preliminaries appear in Bishop Cantilupe's Register.<sup>1</sup> The bishop, being still abroad, sends at the end of September letters to various of his officials announcing a general audit. These are followed by a request to William de la Greve to make out the compotus rolls of the see, as he has done in past years. Letters of attorney are sent to the steward,<sup>2</sup> and three others, to audit the accounts of bailiffs, reeves, and all other administrators, 'dans eis potestatem allocandi, que fuerunt allocanda, et alia facienda que ad consuetudinem spectant compotorum sive legem' and adding that if all four men could not be present the audit could be concluded by three or even two of them.

It would be necessary, too, to search out the rolls of past years, if these were not already at hand, or to extend lands recently acquired, and for a thorough examination it would be advisable to have the series of court rolls.<sup>3</sup> Various tallies and rolls were kept by Bishop Cantilupe's officials behind the altar in St. Paul's, London, where he had a strong box:<sup>4</sup> accordingly, before the audit took place, it was necessary to write to the Dean asking that some one might have free access to the documents deposited there.<sup>5</sup> Numbers of them would have to be taken out every year, for it is not unusual to find references to past years; the Isle of Wight account for 24 Edw. I refers to rolls of eight and ten years back,<sup>6</sup> and the tenants of Sevenhampton, in a petition of 1315 about tallage, refer back to the rolls of Isabella's day.<sup>7</sup>

The actual conditions under which the audit took place are only partly known, for no private exchequer has its *Dialogus*. We may be certain, however, that every noble lord or lady had his exchequer, in the sense of a chequered board for accounting. The problem is to what extent the word represents a permanent central receipt. The sheriffs

<sup>1</sup> pp. 260-3.

<sup>2</sup> Peckham's steward fulfilled a similar office (with two rectors to assist him) in auditing the accounts of the treasurer of the Bishop's Chamber. *Vide* his *Registrum* (R.S.), iii. 1059 (A.D. 1283).

<sup>3</sup> Cf. Lamond, *op. cit.*, p. 62.

<sup>4</sup> *Registrum* (Cant. and York Soc.), p. 182.

<sup>5</sup> *Ibid.*, p. 263. Private charters were often deposited in such places for safety: e.g. at Hereford in the Chapter House (*ibid.*, p. 41, and xliii). For chests at Durham see *C.P.R.* (1255), p. 451, &c.

<sup>6</sup> Add. MS. 6166, p. 123.

<sup>7</sup> *Rot. Parl.* i. 328a.

had their exchequers at York,<sup>1</sup> or Exeter.<sup>2</sup> Isabella had hers at Carisbrooke,<sup>3</sup> and there are traces of a permanent staff in the mention of the 'scribe's chair' and the treasury.<sup>4</sup> Edmund of Cornwall's was at Eye,<sup>5</sup> the priory of St. Swithun's at Winchester,<sup>6</sup> while that of the bishop was at Wolvesey Castle in Winchester.<sup>7</sup> There was one at Chester Abbey in 1257,<sup>8</sup> and that at Abingdon is mentioned in the mid-fifteenth century.<sup>9</sup> The Earl of Gloucester's exchequer is more imposing. It occurs as a permanent institution, to which rents in kind are paid, at Bristol, in the reign of Henry II.<sup>10</sup> This is of interest because the earl himself at that date resided chiefly at Cardiff, and the degree of organization to which it points is remarkable.<sup>11</sup> The earl marshal may have had a permanent exchequer at London, and occasional entries showing purchases of a black cloth for the audit point unmistakably to a system of counters in use as at the royal exchequer.<sup>12</sup>

We may assume, then, the system of squared cloth and

<sup>1</sup> For other county exchequers see Cam, *The Hundred and the Hundred Rolls*, p. 88.

<sup>2</sup> *State Trials*, p. 53. Another example in *Cal. Ch. R.* v. 261 (1485).

<sup>3</sup> 'Solut' priori de Appletrecumbe super scaccarium de amerciamentis hominum suorum hoc anno xixs.' 984/11 (1288), and similarly in 984/12 (1290).

<sup>4</sup> *Supra*, p. 43.

<sup>5</sup> *R.H.* ii. 186.

<sup>6</sup> *Obedientary Rolls* (Hants Rec. Soc.), index, s.v. scaccarium. Other monastic exchequers, from 1187, are mentioned in Rose Graham's *Ecclesiastical Studies*, p. 253. The Glastonbury Abbey exchequer is mentioned in 1189 (*Liber Henrici de Soliaco*, p. 15). The dean and chapter of Exeter date a charter, in 1266, 'in scaccario nostro Exon' (Bod. Lib. MS. James 23, p. 169, extracts from a Plympton chartulary). The rolls of the stewards of this exchequer run from 1296 (*Hist. MSS. Comm. Rep., Var. Coll.* iv. 27). From a Plympton chartulary (MS. Tanner 342, fol. (pencil) 177) we also know that St. Peter's Exeter began its exchequer year at Easter.

<sup>7</sup> *C.P.R.* (1247-58), pp. 13, 36.

<sup>8</sup> *Chartulary of Chester Abbey*, ed. J. Tait, vol. ii.

<sup>9</sup> *Accounts of the Obedientaries of Abingdon Abbey*, ed. Kirk, p. 110. On p. 37 the king's (i.e. the sheriff's) exchequer at Oxford is mentioned, A.D. 1377.

<sup>10</sup> Letter [A.D. 1173-83] from the Earl of Gloucester to his steward and others notifying a grant to Walter *citharedo meo*, the rent being a dish full of beans. (Cott. MS. Vitell. A. xi, fol. 1, and Stowe MS. 925, fol. 122, Bradenstoke chartularies.)

<sup>11</sup> Professor Stenton alludes to this in *The First Century of English Feudalism*, p. 69.

<sup>12</sup> 'In i nigro panno empto apud Norewyc' ad computandum xxid.' (935/36, cp. 933/14). The auditors of the account of Queen Eleanor's executors brought eleven shillings' worth of counters for the audit at the house of Otho de Grandison (Roxburghe Club, *Manners and Household Expenses*, p. 96).

counters, the production of bags full of earlier accounts, innumerable writs, vouchers, and tallies. Continual references to debts of ten or twenty years back show that the counter-rolls did not lie idle.

The clerks who set in order and wrote the Bigod accounts had also the duty of levying arrears on their circuits (there was one clerk for Norfolk and one for Suffolk).<sup>1</sup> They were sworn officials: even the bailiffs' clerks were sworn in.<sup>2</sup> On Earl Warenne and the Bishop of Hereford's estates we hear of elected and sworn foresters.<sup>3</sup> The anonymous writer on husbandry lays it down that he who renders account shall swear to do so faithfully, and the clerks shall likewise swear that to the best of their knowledge this is being done.<sup>4</sup>

It seems fair to assume that all private officials were sworn in, after the manner of agents of the Crown. The oath of the coroner of Holderness has been preserved. He took the office at farm, in the presence of Sirs Ralph de Grenham (the estates steward), John de Lisle (a knight of the household), and Robert Makerel (the steward of the household):

ita tamen quod idem Thomas [de Lelley] ballivam bene custodiet ad commodum heredum Comitisse et ad honorem Comitisse, et nullam faciet defaltam nec fieri permittet per quem libertas Holdernessie in aliquo ledatur.<sup>5</sup>

A long formula, in French, was administered to the Bishop of Winchester's steward, the substance of which is that he will be honest, not oppressive, and that he will not allow the bishop's rights to be diminished, nor reveal his

<sup>1</sup> 'Datum clerico comitis iurato ad compota maneriorum comitis in tota Norff' ordinanda et facienda pro labore suo xls., qui nichil aliud capit de domino' (935/17 Forncett a. 34). 'Pacatum Petro de Colecestr' clerico comp' Suff' in parte feodi sui quia iuratus domini comitis xxis. Item eidem pro expensis suis in maneriis comitis pro arrieriis comp' levandis per breve domini comitis vis. viij*d.*' (997/4 Great Framlingham, 11 Edw. I). Cf. also p. 135, n. 2.

<sup>2</sup> 'Pacatum Johanni Cristemane clerico suo [i.e. of the bailiff] in parte feodi sui quia iurat' comitis vis. viij*d.*' (932/20 anno 12).

<sup>3</sup> '... fecerunt sacramentum quod bene et fideliter debeant conservare forestam et warennam comitis et presentare atachiamenta.' The Warenne forester was elected (Baildon, *Wakefield Court Rolls*, p. 2): the bishop's forester of North Lodbury, John of Berkynge, was appointed at the request of the Bishop of Bayeux, and found as pledges two citizens of London (*Reg. Cantilupe* (Canterbury and York Soc., ii), pp. 20-1).

<sup>4</sup> Lamond, *op. cit.*, p. 60.

<sup>5</sup> 1078/8.

plans to his enemies.<sup>1</sup> The last phrase hints at something of the spirit of a vanished age, valuable because it is not reflected in the accounts. In matters of administration homage and fealty were not enough; if this business of audit demanded a council, it equally demanded sworn councillors.

When the balance was struck at the end of the audit it was preceded by one of the forms *et sic debentur comitis*, *et sic debentur ei*, or *et sic excedit*, and *et sic debet*. Frequently a portion of this was paid *super compotum*, and the rest owed *de claro* if none of it was *in suspenso*. The sum due was often heavy, but it is not to be taken as a measure of the inefficiency or dishonesty of the accountant. Often enough it was composed of the bad debts of former reeves, for it is common to find two or three paying off their debts at the same time,<sup>2</sup> or it may include money which the reeve is unable to collect from his subordinates. The liability is sometimes divided in these ways between ten people.<sup>3</sup> Or the money may represent cash in hand, as when Robert Hildyard, bailiff of Holderness, in 1277 owed £128 1s. 4d. *quos liberavit super compotum in presencia computatorum* to the receivers of Holderness, appointed at that time to take over the financial work of the bailiwick. Hildyard begins his account in 1270 with arrears of some £264, in 1272 with £350, in 1274 with £108, in 1276 with £80, which shows not that he was paying off debt but that he was forced to draw upon his reserves by the demands of the household officials.

In deciding the amount due from each reeve frequent use was made of inquisitions, consequent upon which reeves were frequently amerced, usually for *concelamento in isto compoto invento*. Maitland has remarked with reference to the rolls of the Abbey of Bec (1246-96) that 'the rolls do not show us a regular jury of presentment like the "leet jury" of later times. On the other hand, issues between litigants are often tried by jury, the right to a jury being sold by the lord and the purchaser having to pay more in the case of a favourable than in that of an unfavourable verdict.'<sup>4</sup> The

<sup>1</sup> *Reg. Pontissara*, p. 262. The oath of the steward of St. Albans is in Camb. Univ. Lib. MS. Ee. iv. 20, f. 74. Cantilupe's register (p. 108) shows that his bailiffs were sworn. For the Beaulieu steward cf. *supra*, p. 71.

<sup>2</sup> e.g. 1118/17, 4 former reeves.

<sup>3</sup> 1077/30, and 984/5 Bowcumbe.

<sup>4</sup> *Select Pleas in Manorial Courts* (Selden Soc.), p. 5.



custom was no doubt an early one, and is clearly alluded to in the extant fragments of the returns to the Inquest of Sheriffs (1170).<sup>1</sup> At Harewood in 1287 one of a number of schedules attached to a view of account is a memorandum for an inquiry into certain items such as pannage, windfalls, underwood, meadows, hay, and grain, &c., all of which had brought in too little. This is followed by the names of sixteen jurors, two of whom are identifiable as former reeves, *qui dicunt quod*, &c. They proceed to exonerate the reeve by saying, after the manner of farmers, that murrain was general throughout the countryside, that the meadow was worthless by reason of the dryness of the season, and that the corn was less because everywhere the harvest had failed.<sup>2</sup> Similarly, at the earl marshal's manor of Little Framlingham in 1296, all the officials were in mercy because it was found by inquisition, with their consent, that less ground had been sown than they said, and because the arrears had been concealed.<sup>3</sup> Again at Chepstow in 1278 the prior of the small alien house there was amerced while in the earl's service as his receiver.<sup>4</sup> Such amercements should only occur as the result of the finding of a jury, or the judgement of a court.

We find, in fact, that constant use was made by lords of juries of presentment. The villagers were sworn in and articles are presented to them. The alternative that each official puts himself upon the countryside was cumbersome and probably rare. The Harewood example is in this respect decisive, showing plainly that at the view the auditor heard the account and then took the sworn verdict of the inhabitants upon points which seemed to him doubtful. It is as a

<sup>1</sup> *Red Book*, vol. ii, pp. cclxvii–cclxxxi, and Round, *Commune of London*, chap. vi.

<sup>2</sup> 1087/28. This roll is an admirable example of the number and kind of documents necessary for the view. It consists of the following, on bits of parchment of all sizes: (1) a rental, (2) a pannage custumal, (3) a detailed dairy account, with the date and weight of each cheese, (4) three lists of 'allowances' (*allocationes* or *relaxationes*) sought by reeves, with notes by auditors of what was allowed, (5) the complaint of the 78 bondmen (see p. 77, n. 1), (6) a well-written account for the burgh of Harewood, (7) a draft, scored through and cancelled, of the view of account for the manor, and (8) the above inquisition.

<sup>3</sup> 935/35. This would prove, if it were necessary, that the account was written by the auditors' and not the bailiff's clerk, for the heading *arr'* is in the same hand as the rest of the account, while the amount has been added later. No bailiff would incriminate himself by writing *arr'* followed by a blank.

<sup>4</sup> 921/22.

result of this process that the fairly frequent mention occurs of fines *pro concealamento in isto compoto invento*.<sup>1</sup> Besides this use of a jury of presentment there are clear indications of the use of the *inquisitio post mortem*, and this, too, must have been common,<sup>2</sup> though whether or not the findings were enrolled is doubtful.<sup>3</sup> Fines 'for having an inquisition' for a purpose not specified are fairly common among the 'perquisites of court' in account rolls.<sup>4</sup>

The point of contact between the manorial account and the court rolls now appears. One instance has already been noticed of a view of account held at the Great Court at Skipton. Though a unique example, it is suggestive, and there was no motive to induce the scribe to be explicit on this point. It can scarcely be gainsaid that there was a close relationship between the fuller sessions of the local courts and the hearing of accounts. A significant document in this connexion is the Waltham court roll for 1267. Waltham, chief of the Bigod manors in Essex, was a local receipt. The court roll in question is endorsed, in summary form, with a balance of the receipts and payments of the bailiwick for two years.<sup>5</sup> There is also, upon one of the Pleshey court rolls, a stock-and-grain account of the manor. It is unlikely that any one would write an account upon a court roll, or vice versa, if the account was not being audited in court. We may clinch the point by referring again to the manors of the Abbey of Bec, where (although, as Maitland remarks, the jury of presentment is common, the later leet jury does not appear) every page contains presentments by the court upon breaches of the lord's privileges or detention of rent, or non-performance of service, items which can only have occurred at the prompting of the steward or bailiff. That these items will

<sup>1</sup> At Little Humber in 1287 the granger was fined 40s. and the reeve two marks for 'concealing' the sale of five quarters of corn. On the same occasion the reeve was amerced at 10s. 'pro transgressionem sui bladi attinct' per inquisitionem' (1079/5).

<sup>2</sup> In 1280 in Holderness Helen Camryn paid 20s. 6½d. fine for having an inquisition, doing fealty, and relief (1078/19). The death of a greater tenant, Peter de Gousle, son of the sheriff of Lincolnshire, necessitated the presence of a household official, Thomas de Weston, to hold the inquisition (1079/5 Keyingham 1287).

<sup>3</sup> On estates which, unlike the palatinates, had no chancery, these I.P.M.s were probably not enrolled. It would be sufficient to refer to the extents which were made so frequently.

<sup>4</sup> e.g. 1078/8 Keyingham.

<sup>5</sup> P.R.O., Court Rolls, 751/62.

appear in the account is obvious, and that the necessity for inquiry has been revealed by the account is obvious. Whether the presentment was made by the court acting as a whole or by a number of suitors specially sworn in as a jury would be a matter for the personal judgement of the steward or the custom of the court. It is at any rate beyond dispute that the use of juries had spread far beyond the royal courts and even private litigation, to play a prominent part in the everyday administration of baronial estates. In the thirteenth century every one down to the humblest peasant had personal experience as a jurymen.<sup>1</sup>

### (iii) ARREARS

But it was one thing to audit accounts and quite another to collect arrears. When a man went out of office he received, if he was quit, a discharge stating that he had paid all his debts, or containing an agreement by which he would pay them in instalments. John de Clare, Bishop Cantilupe's receiver, was in 1281 given a discharge in full for his accounts of the last six years on condition that he paid off the balance, about £175, within a few months.<sup>2</sup> It was not always so simple as this. The counsel 'si arrerage chete sur le conte final ke seyt hastivement leve' was one of perfection.<sup>3</sup> Bailiffs and reeves had often to be summoned to pay their debts ten years after they had left office. It was never too late to pay. The arrears of William de la Twyere, sheriff of Holderness in 1264-6, dragged on until 1277. In that year, when an action of account was brought against his executors,<sup>4</sup> £50 was paid to the receivers of the wapentake 'de exitibus Willelmi de la Twyere de arreragiis eiusdem Willelmi'.<sup>5</sup> There are on the Fortibus estates numerous instances of this continued liability. The bailiff of Clopton in 1269—it had been out of Isabella's hands for the last eight years—begins his account with 13s. 3d. of the arrears which were owing in 1261. The reeve of Whitchurch owed

<sup>1</sup> Since writing the above I have had the advantage of reading Professor A. B. White's excellent study *Self-Government at the King's Command* (1933), where this and similar points are elaborated.

<sup>2</sup> Cantilupe's *Register*, p. 293.

<sup>3</sup> The anonymous *Treatise on Husbandry*, ed. Lamond, p. 60.

<sup>4</sup> Exchequer of Pleas, plea roll no. 5, m. 14d.

<sup>5</sup> 1078/17.





Wootton (Isle of Wight) account for 1270 occurs the entry 'de arreragiis Willelmi Norman fugitivi qui fuit prepositus £6 1s. 3d.' His grain, to the value of 67s. 7d., was seized and the amount deducted from the arrears with which his successor was burdened. (All arrears, whether in grain, live stock, or anything else, were valued in money.) All were not so lucky as William Norman, who apparently was not recaptured. A less desperate practice was to pay for removal from office, like the foresters of Harewood, one of whom gave 12s. and the other 4s. to be removed in 1278,<sup>1</sup> or the reeves of Broughton (liberty of Cockermouth): '13s. 4d. de fine W. filii Mariot et Ade filii Odard ut possint ab officio prepositi removeri'.<sup>2</sup> Yet even those who were not themselves in office were not always content. In 1271 Robert Hildyard accounts for £1 17s. 2d., the expenses of himself and many others going to North Cave to catch Richard of Kayingham, Robert son of Isabel of Kayingham, and Nicholas son of Warner the stock-keeper (it is easy to see why a son of Warner should flee), *nativos comitisse fugitivos*. Their fines were severe. Richard paid 66s. 'in parte finis sui quia subtraxit se de terra comitisse', and Robert paid £10, presumably the whole fine. The fate of Nicholas is not given.<sup>3</sup> The same year the reeve was fined 10 marks for an unnamed trespass. Fines on such a scale as this throw an interesting light on the economic position of the villeins of Holderness. It is clear that their position is widely different from that of the text-book villeins. In connexion with fugitive villeins attention may be drawn to well-marked instances of corporate action on the part of certain vills of Holderness. The election of villein 'receivers' at Keyingham has already been mentioned.<sup>4</sup> The flight of a villein (*temp.* Edw. I) from Riston produced a most unusual document in the form of a receipt from Ralph de Crepinges the king's bailiff for 9 marks of silver and 5 shillings from the vill of Riston, of the chattels of Thomas de Waghen, a fugitive, for which Ralph promises to indemnify the vill against the king, 'in testimony of which he has committed this letter to the vill'.<sup>5</sup> Here the community is held responsible for the same

<sup>1</sup> 1077/27.<sup>2</sup> 824/12.<sup>3</sup> 1078/13.<sup>4</sup> *Supra*, p. 52.<sup>5</sup> From a transcript in MS. Dodsworth 139, fol. 61.

misdeeds of one of its members, and when it has made satisfaction it receives an acquittance as if it were a corporation. But we can hardly argue from one receipt to village archives, and more exact information as to who was responsible for the safe keeping of the document would be instructive. It is not a long step from this time to the rebellion of the three rich villeins against the Abbot of Meaux—that notorious case so fully described in the *Chronicon de Melsa*.<sup>1</sup>

If they could not better their position by flight, they might attempt at least to maintain their ancient privileges by combined protest. In 1278 the bondmen of Harewood complained that they were being forced to mow the demesne meadow of 'Pulhale' for 2s. 8d. instead of 6s. 3d., that they were forced to pay in addition a sum of 6s. 8d., that the work due from each man had been unfairly increased because 16 out of the 76 bovates were now lacking, and that they were paying 40d. a year for land which had been rendered useless to them by [? the construction of] a water-course. The complaint is in the form of a schedule attached to a view of account and begins *omnes bondi de Harewode*. It thus provides an example of an uncommon type of document showing communal action by all the bondmen of a vill in face of what they thought of as oppression.<sup>2</sup>

These few instances cannot be taken to form a picture of villein life in general, but they emphasize in a pointed manner the insecure and unpleasant side of unfree tenure, however rich the tenant; and the gloom is only slightly relieved by occasional gifts of a few shillings to reeves, the rarer remission of a customary aid to a manor, and the single instance of £5 granted to a reeve at Cockermouth, because his house had been burned.

#### (iv) LEGAL ACTION

The bailiff was more elusive than the reeve. He took oaths of fealty, found pledges, and so forth, but apparently signorial justice was insufficient to deal with him. The aid

<sup>1</sup> Rolls Series, vol. iii, pp. 27-42. See also Putnam, *The Administration of the Statute of Labourers*, p. 95.

<sup>2</sup> For an early fourteenth-century petition from the tenants of Bocking to their manorial lord see the note by John F. Nichols in *Econ. Hist. Rev.*, vol. ii, no. 2, Jan. 1930, pp. 300-7. See also Vinogradoff, *Villeinage in England*, pp. 358-9.

of the exchequer had to be invoked. To deal with malfeasing officials an action of account arose, the earliest known instance of which dates from 1232. Maitland says, 'the writ seems to come upon the register late in Henry III's reign, and much of its efficacy was due to the statutes of 1267 and 1285. These statutes sanctioned a procedure against accountants which was in that age a procedure of exceptional rigour'.<sup>1</sup> The author of *Fleta* devotes an interesting chapter to this. He points out that a son and heir cannot have the writ against his ancestor's bailiff unless he is also an executor, and that although such a writ should rightly be sued in the Courts Christian, as pertaining to Wills, it can be used in the County Court before the justices. There were four admissible exceptions—that he never was the plaintiff's bailiff, that he has already rendered account (letters of acquittance were necessary in proof of this), that he is not bound to account as his lord has taken the rolls and tallies, and that it was agreed when he entered office that he should not be asked to render account (for this he had to show letters patent of warranty from his lord).

The statute,<sup>2</sup> which is followed closely in *Fleta*,<sup>3</sup> gives the exact procedure. If a man remains in arrears after his account has been heard by his lord's auditors they may deliver him to the nearest royal prison, to be put in irons and kept at his own expense until he has made full satisfaction. If he complains that the auditors have burdened him with receipts that he has not received, and not allowed *Expense aut liberationes rationabiles*, he may be delivered to such of his friends as will act as sureties; they are to have him at the exchequer on a certain day, and the sheriff is to warn his lord to appear with tallies, rolls, and corroborative evidence (*adminicula*) before the barons or the auditors whom they shall assign. If he is found to be in arrears he is to be committed to the Fleet as above. Even if he gave himself up before he was outlawed he gained little. He was not to be replevied, and if the sheriff released him without the assent of his lord he

<sup>1</sup> Pollock and Maitland, *History of English Law*, ii. 219. The statutes are Stat. Marl., cap. 23, and Stat. Westm. II, c. 11.

<sup>2</sup> i.e. West. II, cap. 11, in *Stat. of the Realm*, pp. 80-1.

<sup>3</sup> Bk. II, c. 70, 'De compoto reddendo per breve'.

or the keeper of the jail had to answer for the losses incurred by the lord, according to the verdict of a local jury. If the keeper of the jail lacked means, the burden fell upon his superior.

Maitland says that 'the accountants were for the more part bailiffs, in the somewhat narrow sense that the word commonly bore, manorial bailiffs'.<sup>1</sup> Bailiffs in charge of a single manor were, however, not numerous in the thirteenth century. The men summoned are sometimes bailiffs over an honour, or a private hundred, bailiffs of fees, household stewards, or keepers of wardrobes.<sup>2</sup> When lesser folk were stubborn an action of debt was normally sufficient.

Some contemporary instances of the use of this action may be useful. A case between Bogo de Clare and the keeper of his wardrobe (sometime steward of the household) is of interest as it forms the complement to other published material,<sup>3</sup> and at the same time illustrates a side of official life that account rolls fail to reveal. The case began in 1286, shortly after Walter de Reygni had gone out of office.<sup>4</sup> He had been steward of the household from May to December 1284 and keeper of the wardrobe from 12 March 1285 to 22 June 1286. Bogo demanded account for the time that Walter was keeper of his wardrobe and steward of his household, and complained that he was acting deceitfully (*querens subterfugia*). Walter said that he had already accounted before three members of the household, and that he had delivered the rolls to Bogo himself, who was present at the audit. He produced a letter of quittance, which Bogo admitted, up to Christmas 1285, showing that Bogo owed him £228 19s. 8d. It was claimed that he was still in office from Christmas to June and must account for this period.

<sup>1</sup> Loc. cit. The printed analysis (in the P.R.O.) of the *De Banco Rolls* for 1327-8 shows that the majority of defendants in actions of account were bailiffs over one or more manors.

<sup>2</sup> e.g. pardon of their outlawry, for not rendering account, to (i) William de Kyselingbury (at the suit of Isabel de Ros) bailiff of the honour of Belvoir (*C.P.R.* (1292-1301), p. 562, A.D. 1301); (ii) William de Paramour (at the suit of the Abbot of Battle) bailiff of Brightwalton. But the latter is not to be released till he has rendered account and satisfied the abbot (*ibid.*, p. 242, A.D. 1297).

<sup>3</sup> M. S. Giuseppi, in *Archaeologia*, vol. lxx. The case is printed in *Select Cases in the Exchequer of Pleas*, pp. 113-16.

<sup>4</sup> His predecessor was Abel de Horkeley, 14 June 1284-12 March 1285.



His defence was that he had already done so, and that Bogo then owed him £375 3s., and also that from 21 April to 2 June William de Mewesham was responsible for the stewardship.

In 1287, after three postponements, certain of the rolls which had been deposited in the exchequer in two cases under the seals of Bogo and his auditors, and now in the custody of master Odo the Remembrancer, were, at Bogo's request, copied by one of the clerks. When the copies had been made, and after three further postponements, Bogo demanded account of the jewels of which Walter had charge and which he had taken away. The defendant reiterated that he was quit of all account, and that the jewels had not been removed, but pledged by Bogo's orders to some London merchants for £95 8s.<sup>1</sup> He had in his account charged himself with the money and the merchants were prepared to restore the jewels, since the money had now been repaid. At Bogo's request they were deposited in the exchequer, displayed in the presence of Edmund of Cornwall, William de Valence, and others of the Council, and then sealed up again with the seals of Bogo and the merchants. Walter then admitted that the loan was included in the £375.

In December 1289 both parties were summoned to an exchequer afforced by others of the Council,<sup>2</sup> and after inspection of the rolls it was found that Bogo did in fact owe his servant the sum stated—£375 3s. Walter was then asked to whom he owed the £375. On his reply that it was due to various creditors he was told to make out a chirograph for Bogo of the several debts and creditors: this was then to be read in the Hustings at London. It was also judged that Walter had rendered account, and he was therefore declared quit for the whole time that he was in Bogo's service.

The account-rolls give no indication that the £375 which

<sup>1</sup> These were the Mozzi, the only merchants in these accounts from whom sums of any magnitude (e.g. two loans of £248 17s. 10d. and £136) were received. Purchases of wax, spices, and gum were made from merchants of Rome, Lucca, and Florence.

<sup>2</sup> Thomas de Wayland and John de Lovetot, justices of the Bench, master Henry de Bray, William de Carleton, Peter de Leicester, justices of the Jews, and Ralph de Sandwich, warden of London.

Walter claimed was so difficult to obtain: we do not even know that it was paid. It is a warning that although such rolls are not biased they are by no means self-sufficing.<sup>1</sup>

In other instances of this action is seen the use of the writ *ex parte*, to deliver a bailiff who complained that auditors 'ipsum indebite gravaverunt, onerando eum de receptis que non recepit, et non allocando ei expensas et liberationes rationabiles'.<sup>2</sup> Occasionally the sums involved are considerable. Agnes de Valence sued her husband's bailiff, John de Valle, and the issues of the bailiwick were found to be over £5,000. Since the lands concerned were situated in Ireland, John insisted upon the appointment of Irish auditors. As in Bogo de Clare's case it was a question of payments to merchants, and the last heard of it is that John has gone off in search of receipts for sums amounting to about £1,000, which he said he had paid to English, Flemish, and Italian merchants.<sup>3</sup>

A common type of defence was that put forward by John de Anste against William de Beauchamp.<sup>4</sup> According to a local jury John had been bailiff of the manor of Lydney and receiver of the issues of the sea-coal and iron mines there for five years (15-20 Edw. I). His reason for not rendering account was that he never was bailiff or receiver there, though he admitted farming William's wood there for 6s. 8d. a year. A more remarkable case was that in which Simon de Henham, constable and receiver of Clare, sued the Earl of Gloucester for debts and expenses not allowed to him in his account from the beginning of 1290 to the end of 1291. The Earl had imprisoned him in the royal prison of

<sup>1</sup> Incidentally the plea explains why the last account exists in duplicate, a fact in which Mr. Giuseppi finds an indication of Reygni's progressive methods. There is no comparison between the documents printed by Mr. Giuseppi as his Apps. I and III. Mr. Giuseppi points out that the roll of 1284 'is not a true compotus' but a 'preliminary stage'. The roll does in fact declare itself in the heading as a 'Visus Compoti', for the first half of the financial year. That it is not 'summed' or balanced shows that it is not the copy of the 'Computatores' who made the view.

<sup>2</sup> The writ follows closely the wording of the Statute: v. *Reg. Omn. Brev.*, pp. 137-8.

<sup>3</sup> Exchequer of Pleas, plea roll, no. 17, m. 6. See also no. 9, m. 2; no. 17, m. 17; no. 18, m. 10, 32.

<sup>4</sup> *Ibid.*, no. 19, m. 67. For earlier actions not in the exchequer see A.R. 911, m. 9d., and C.R.R. 195, m. 36. The latter is a consolidated action, not common in this connexion, against two bailiffs.

Clare for arrears of £614 4s. 1½d., and quoted the statute in his defence.<sup>1</sup> Another of his bailiffs, probably the immediate predecessor of Simon,<sup>2</sup> Thomas Mervelus, described as bailiff over seventy-seven named villis, was imprisoned in the Fleet for arrears of £200, and sued the earl by the usual writ of *ex parte*.<sup>3</sup> The use of the Fleet instead of the earl's prison at Clare suggests that he had fled. It is surprising that the earl found any one willing to serve him at all, when they could be imprisoned at Clare by the mere command of his auditors.

Under Isabella's administration only four actions of account are found. Amongst a vast number of pleas of debt, litigation with her mother, and as executrix of her husband's will, these are not imposing. In 1256-60 there is a case against Roger de Donescumbe, a Devonshire man and one of her chaplains, for the time that he was bailiff in Kennington and Lambeth, but the issue of the case does not appear.<sup>4</sup> The next was against Richard de Halstede, for the time when he was bailiff in Holderness. He was told to appear a month after Easter 1269, but it is probable that by then he was already dead.<sup>5</sup> Nicholas Carbonel was in 1278 attached to reply to Isabella for the issues of her manors of Borley and Clopton, and the issues of her fees in Essex, Hertford, Suffolk, Bedford, and Kent as bailiff from 1275 to 1277. When he first came he denied that he had been bailiff, though he admitted that at the steward's request he had held some courts there. By her attorney Isabella maintained that he was bailiff and had received £9 15s. This too was denied. He had only received 13s. 4d. worth of grain, and this he paid before leaving the exchequer. The upshot of it was that juries from the manors affirmed that he was bailiff, and that inquiry in the shire court of each of the six counties was necessary before a decision could be reached as to the amount of the issues. Long before that could take place Carbonel acknowledged that he owed Isabella de Fortibus £3. When he had paid the countess would

<sup>1</sup> Exchequer of Pleas, plea roll no. 18, m. 47.

<sup>2</sup> Ibid., no. 17, m. 34d.

<sup>3</sup> The list of villis over which Thomas was bailiff reveals the nature of his office.

<sup>4</sup> Exchequer of Pleas, plea roll, no. 1e, m. 2d, and 9: K.R.M.R. no. 43, m. 8.

<sup>5</sup> K.R.M.R. no. 43, m. 8.

remit all actions against him for a certain amount of the time when he was her bailiff at Clopton and Borley.<sup>1</sup> It is curious that this complete denial of liability—and it was not uncommon—should have been regarded as a promising beginning to an action. It is quite obvious from the extant account rolls that Nicholas was bailiff of fees in six counties, from the payments made by him, and the entry 'in feodo Nicholai Carbonel custodis feodorum per vi comitatus 20s.'<sup>2</sup>

Finally, there is a plea against John Sampson in 1277–8.<sup>3</sup> He did not come at first, and the sheriff returned that he had sent to the bailiffs of the liberty of St. Edmund's, who did nothing. The sheriff is therefore to enter the liberty and distrain John. He then came, and the countess sought his account for the honour of Skipton-in-Craven, for Borley and Clopton, and for Harewood during the various periods that he had been her bailiff. He said that he owed no account for Skipton. He places himself *in recordo et inrotulacione rotulorum*. At this point the record is torn, but there seems to have been an inquest, and part of the verdict was that John was bound to render account for Harewood, Borley, Clopton, and Cockermouth. To this John pleaded that he could not produce an account for Harewood unless Nicholas de Stratton was made to answer with him. This was granted, but a few months later he agreed to pay £40 by instalments for remission of the account and the goodwill of the countess.<sup>4</sup> He was also to remit his action of novel disseisin against Isabella. It is recorded that he paid, partly in person and partly through the sheriff of Yorkshire, to Adam de Stratton.<sup>5</sup>

There is thus nothing concerning Isabella's administration under the new procedure instituted by the Second Statute of Westminster. The defendants are, according to the Provisions of Westminster and the Statute of Marl-

<sup>1</sup> L.T.R.M.R., no. 51, m. 12d., Hilary Term.

<sup>2</sup> Min. Acct. 1118/19 Borley, 3 Edw. I.

<sup>3</sup> Exchequer of Pleas, plea roll no. 6, m. 1. For this person cf. *supra*, pp. 39 ff.

<sup>4</sup> Exchequer of Pleas, plea roll no. 6, m. 11d.

<sup>5</sup> He afterwards complained that the sheriff of Yorkshire had distrained upon him for a debt that he had owed Isabella, and taken too much, but he lost his plea and had to pay an amercement of £5 *pro falso clamore*, L.T.R.M.R., no. 52, m. 5d., 1279, and no. 53, m. 21, 1280). For his disseisin, &c., in 1278 see 1077/27 Harewood.



borough, attached to reply to the countess.<sup>1</sup> If they had no goods the sheriff distrained them by their bodies. But the method of arbitrary imprisonment and outlawry had not yet come. It would be interesting, if it were possible, to trace the growth of feeling which the statute seems to reflect against the numerous class of private officials.

<sup>1</sup> This procedure continued into the next century. The action *Monstravit de Compoto* under the Statute of Marlborough cap. 23 was occasionally preferred to the more popular Westm. II, c. 11, which gave outlawry (cf. Plucknett, *Statutes and their Interpretation in the Fourteenth Century*, p. 84).

## CONCLUSION

WE have noticed some of the difficulties of the Crown in dealing with the franchises. In Yorkshire, a county where Warenne was guilty of 'devilish and innumerable acts of oppression',<sup>1</sup> maladministration by two countesses led in theory to the confiscation of their liberties, but in fact resulted only in the 'appointment' by the king of the private agents already holding office.<sup>2</sup> At the same time the Isle of Wight had been handed over to a royal keeper, who was actually the greatest of Isabella's own tenants in the island. A partial explanation of such an action lies in the difficulty of finding suitable agents who were not already acting as private officials.<sup>3</sup> It was at any rate common, on the death of a tenant-in-chief, to continue in office the men appointed by him, or to select a prominent member of his household as steward of the escheated lands. And thus, though the service of a great noble was by no means the only way of rising to posts of responsibility, the Edwardian judges and sheriffs were largely recruited from a class who had been prepared for administrative work by an experience of problems that differed in degree but not in kind. So the franchises fulfilled, in relation to the central administration, a function similar to that of the shire court in relation to Parliament. In each case men were trained for the wider work of national government by an actual experience of the methods of routine involved.

When a private official undertook duties at the exchequer<sup>4</sup> he would not long feel strange to the work. He would already be fully acquainted with the system of tallies, with writs of 'liberate' and 'allocate', letters patent and close, and the varying significance of a great and secret seal. It would not surprise him that some of the debts to be dealt with were twenty years old. The mechanism of the accounts, the view and audit, would have no terrors for him.

Stewards, as was noticed, frequently obtained judicial or

<sup>1</sup> *R.H.* i. 109.

<sup>2</sup> *T.A.F.* xxxi. 415-16.

<sup>3</sup> Hatred of 'foreigners' would also play a part. It is a well-known feature in the history of the island that its governors had to be local men.

<sup>4</sup> Cf. App. VI.

executive posts in later life. It has been said of the reforms of Henry II's day that

the new writs and assizes presupposed a wider knowledge of the law than the baron or his untrained steward possessed.<sup>1</sup>

This is true perhaps of the twelfth century, but cannot be maintained of the latter half of the thirteenth. Members of private households were so much concerned in matters of public administration that to suppose they did not understand what they were doing is impossible. Men who represented their masters before the king himself, in the exchequer, the Court of Common Pleas, or who maintained the whole defence of a *Quo Warranto* plea, and had thus to be versed in assizes and new writs, can hardly have been untrained. Nor was it thought a scandal (though in the strict sense irregular) that abbots, who might with equal justice be supposed to be untrained in the law, should act as judges.

It is not difficult to see that not only did public and private administration deal with similar problems, but that both were controlled by the same class of men, who came of recognizable professional families. Not only did they rise from the lower to the higher sphere: they might act in both capacities at once. Though a recognized abuse, it was possible to be steward and sheriff at the same time. It happened frequently enough to cause the Parliament of Lincoln in 1316 to denounce the practice. In future no steward or bailiff of a magnate was to be made sheriff unless he was out of office.<sup>2</sup>

When so much of the work of government was in private hands, when private sheriffs had to return writs to the county, and private coroners make presentments to the justices; when the king's justice was administered by private stewards or constables, and the king's army financed by scutage collected through private officials, it was natural that public and private administration should be intermingled to the point of drawing their agents from the same source. It

<sup>1</sup> J. Conway Davies, *The Baronial Opposition to Edward II*, p. 15.

<sup>2</sup> The same rule was to apply to hundreders, *Stat. of the Realm*, pp. 174-5, referred to in Conway Davies, *op. cit.*, pp. 524-5. An early example is in *Mon. Ang.* v. 176—Hugh de Leicester, sheriff of Northants and steward to Maud sister of Simon (I) of Senliz, earl of that county, c. 1090. See further *supra*, p. 40.

was as natural for an exchequer clerk to undertake the financial organization of private lands as it was for an abbot to become a judge, or from being a judge to become an auditor. The effects of this intimate connexion between matters now so far apart are apparent in many phases of medieval life, but in none more than the large proportion of professional men it produced competent to judge of matters relating to the government of the country.

These professional men, themselves lords of one or two manors, were either knights or men who might be distrained to become knights. The English country gentleman in the Middle Ages has long had a dual personality. In his manor house we have been content to regard him as a rather bellicose Sir Roger de Coverley. But in Parliament we have transformed him into a man of shrewd political habits, 'the knight of the shire', the arbiter of the Commons, who for a generation of scholars seems to have lost his rusticity on the way to Westminster.



## APPENDIX I

### *Writs<sup>1</sup> from the Earl Marshal to his Auditors.*

ROGERUS BYGOD comes Norf' marcescallus Anglie senescallo suo de Lopham salutem. Quidam dictus Robertus in servicio Comitisse uxoris nostre ut accepimus in quadam tibia sua lesus est, cui quousque convaluerit dum cum Nichol de Lopham moram fecerit, ad ejus sustentacionem facias diebus singulis tres obolos exhiberi. Datum die martis proxima post . . . os Februarii Anno liv. (937/24, Lopham.)

Rogier le Bygod counte de Norf' e Mareschel Dengleterre, a son Seneschal, e a son Recevour de Strugull, salut. Pur ceo qe nous avoms relese, e pardone, a nostre chier vadlet Richard le low, les Airerages qe a nous dues sont, des peintes et des amerciementz pur les terres et tenementz quil tient de nous en Keneluos, vous maundome qe sour le dist Richard nule distreste ne facez, par lencheson de les arrerages avauntdistes, E allowe serraz a vous Recevour sour vostre acounte par ceste bref. Done a Motesghart le iij iour de Octobre lan du Regne le Rey Edward xxvijme. (922/7, Chepstow.)

Roger le Bygod Counte de Norff' e mareschal Dengleterre a ses Acountours salut. Pur ceo qa la requeste Renaud de Shotesham avoms pardone a Simoun Hereberd cink marcs de ses Arrerages, vous mandoms qe de cele demaunde cessez e mes pur le dits deniers ne le grevez. Done a Castre le xxv iour de Marz lan du regne le Rey Edward Trente prime. (935/15, Forncett.)

Roger le Bygod Counte de Norff' e Mareschal Dengleterre a ses Acountours salut. Pur ceo qe nous releissames par nostre lettre, un amerciement de vint e un soult, pur une recourse fete, de une outragouse destreste, a Roger le fiz Estiephene de Fornesete, a lavauntdiste lettre envoyames a Peres de Welles nostre Seneschal de Norff. a sourseer de tel amerciement, E vous pur ceo qe vous trovetz en roule de court lavaunt diz amerciement retret, si ne savetz par quei garaunt, le demaundetiz come fere devetz, vous maundums qe de cele demaunde cessez par garaunt de ceste lettre. Done a Lopham le v iour de Ienver lan du regne le Roy Edward Trente secund. (935/15, Forncett.)

Rogier le Bygod Counte de Norff' e Mareschal Dengleterre a ses Acountours salut. Pur ceo qe le rental de nostre maner de Keleshale est charge de acunes choses qe nous avoms done a Johan de Esstone nostre Chaumbreleyn par chartre, vous maundums qe soun le purport de mesme la chartre lavaunt dist rental abregez a sa chartre en

<sup>1</sup> The writs are not copied on to the rolls but attached as vouchers.

touz poynz allowes. Done a Keleshale le premier jour de Novembre lan du regne le Roy Edward Trente premier. (1000/22, Kelsale.)

Rogier le Bygod Counte de Norff' e mareschal Dengleterre a ses Acountours salut. Come par nostre chartre avant ceo oures avoms done a Robierd le Taillur de Cestreford e Alice sa femme a terme de leur deux vies terres en Keleschale, Et vous les dites terres daltres services et custumes voliez chargier qe leur chartre ne purporte a ceo quil dient, vous maundoms qe vewe la dite charte de totes altres services custumes et demaundes faire qe laeins ne ferenz contenuz, les ditz Robierd et Alice soeffrez en peis et les dites terres faciez descharger. Done a Bongeye le quatorzime de Februlare. Lan del regne le Roy Edward Trente premier. (Ibid.)

Rogier le Bygod Counte de Norff' et Mareschal Dengleterre a ses Acountours salut. Allowez a Johan countasse provost de Keleschale nyef seuldz pur sel achater a saler nostre venesoun qe nous lussaimes derore nous a Keleshale, les queux nief souldz ne sount pas allowetz en roule del houstiel si come temoigne est par le Seneschal et les seriauntz de nostre houstiel. Done a Waltone le viij iour de Novembre lan du regne le Roy Edward Trente premier. (Ibid.)

Rogier le Bygod Counte de Norff' et Mareschal Dengleterre, a ses Acountours salut. Allowetz a Rauf messer de Haneworthe x marcs en queux les tenauntz de Bellouse feurent amercie, et feurent respitez iesques en sta (?) par nos, pur veer leur port et ore avoms entendu par nostre conseil, qe leucheson del amerciement nest pas venable. Done a Cestreford le xiv iour de Ianever lan du regne le Roy Edward Trente secund. (937/8, Hanworth.)

## APPENDIX II

*Bod. Lib. MS. Dugdale 18, fol. 83<sup>v</sup> (see page 23).*

Ces sount les covenantes entre sire Rogier le Bygod counte de Norff' et Maresc' D'Engleterre de une part e sire Johan de Segrave d'autre part; ceo est asaver ke sire Johan de Segrave ad grante au diste Counte a demorer ove lui seysime chivalier a tote la vie le counte, encountre totes genz sauve la fey<sup>1</sup> le Rey, ausi bien en pees come en tens de guerre, en les terres d'Engleterre, Galis, e Escoce; issi ke quel houre ke le dist counte le maunde en tens de pees, il vendra a lui a seze chevaus si il veut e demorra a la volunte la counte a ces custages, tant come il lui plect; ceo est a saver bouche a court<sup>2</sup> por lui e por ses chivalers, e por ses Esquiers; feyn,<sup>3</sup> aveyne, e servie por seze chivaus e gages por seze garcons en tens de pees tant il vent au maundement le counte, si taunt des chevaus e taunt des garcons meigne a la court kant il vent, e si meyns de chevaus e de garcons meygne, meyns preigne. E set a saver ke le dist sire Johan prendra par an, ausi ben en tens de pees come en tens de guerre por son cors demene<sup>4</sup> deaus robes de la liverie le counte, come le plus avant banaret ke il eyt, e por ses cinks bachelers robes ausi come les autres bachelers de la liverie la counte; ceo est a saver checun bachelor deaus robes par an e sealis<sup>5</sup> a lui e a ses cinks bachelers.

E si issi aveygne ke guerre sourdre<sup>6</sup> en Engleterre, Galis, ou en Escoce, meme celui sire Johan vendra au mandement le Counte a lu assigne seysime<sup>7</sup> bachelor a vint chevaus covers au meyns a aler ove lui avant en guerre e le count lui trovera avenante mounture<sup>8</sup> por son cors e por son baneret, si il eyt, e prendra por totes maneres de gages por lui e por ses genz e por ses chevaus quarante souz a la journee, si le counte veut ke il eyt vint chevaus covers; si il ne eyt ke<sup>9</sup> seize<sup>10</sup> trent et deaus souz le jour e demorra a son hostel demeygne. E set a saver ke touz le chevaus de Armes le dist sire Johan, si come il sount avant nomes, kant il vendrunt a la guerre serront prisez e le pris a lui restorez par le counte si il sunt perduz en guerre.

E por cestes choses parfaire<sup>11</sup> le dist counte ad grante a l'avant dist

<sup>1</sup> MS. sey.

<sup>2</sup> i.e. food and drink, cp. Littré, s.v. bouche, 4<sup>o</sup>, and *Cal. Ch. R.* iii. 196.

<sup>3</sup> MS. seyn.

<sup>4</sup> Cp. *Chanson de Roland*, p. 729, ed. Müller, 'Sun cors demeine mult fierement salt.' 'a demeygne' = mod. Fr. *propre*.

<sup>5</sup> Seal = a saddle, or souler = a shoe.

<sup>6</sup> MS. four de.

<sup>7</sup> = seizième ?

<sup>8</sup> = equipment. A word almost as vague as 'harnois', but here probably armour and weapons. See Godefroi, v. 399b.

<sup>9</sup> MS. te.

<sup>10</sup> MS. feire.

<sup>11</sup> MS. pfre.

sire Johan son manere de Lodene en Norff. ove totes les aportenances en fee, ensemblement oveks la voveson de la eglise, si come est contenu en la chartre de feffement la quele le dist sire Johan ad de don le counte.

E meme celui sire Johan par nule guerre, ke a nul tens movera en les terres d'Engleterre, Galis, ou Escoce, altre fee ne benefit del avantdist counte ne demaundera par nul covenant, fors le avantdist maner, en la forme avandiste, le quel lui est done por fee e bien fet en tens de pees e en tens de guerre ke poent sourdre en les terres avantnomees, le quel ke il ayle en la compaygne le counte, ou sanz lui par maundement le Counte en guerre en meismes celes terres.

E si il avigne ke l'avantdit count par commandement le Rey, ou en autre manere, por guerir passi en Gasconie, Fraunce, Flaundris, ou en nule altre terre outre terre outre meer de sa la meer de Greez par encheson de guerre, le avant dist sire Johan vendra a lui a son commandement seysime chivalier a seze chivaus covers, au meyns; e prendra quatre vinz liveris, e del houre ke il serra venuz e ses genz asembles au maundement le Counte si comenserunt ses gages avantdiz, ceo est a saveir taunt por touz maners de gagez come est avant escrit a seze chevaus covers: mes le Counte lui trovera por lui e por ses genz e [por sez] chevaus neef a passage outre la meer a ses custages.

E si il avene sit ke le Counte ne ala mie la outre e le Rey vousit ke il aveyat de ses genz en Gasconie, Fraunce, Flaundris, ou aylors la outre le dist sire Johan irra si le Counte veut e prendra le fee de quatre vinz liveriz avantditz par an taunt ke il plect au Counte ke il demorge illukes e les gages avantnomez saunz plus demaunder por fee ou por autre chose, ceo est a saver por lui e por ses cink chevalers, e por touz ses genz e por ses chevaus covers trente e deuz souz le jour por touz manere de gages, e demorra a son hostel demeygne horspris ke le Counte lui trovera mounture por son cors, e por le cors son baneret, si il eyt.

E si il ne ayle mye la outre en guerre jeus de quatre vinz liveriz ne prendra. E il ne lyra james al avaunt dist sir Johan, taunt come le dist counte vist, a autre seignur demorer por nul fee ne bienfet ke em lui pusse doner saunz le gre e la volente le Counte e ceo ad il premis e plein au Counte en sa bone leaute.<sup>1</sup>

E si issi seut, ke Deu defende, ke le dist sire Johan fut distreynt par le Rey a ly il [*sic*] ne peut rester ke il ne peust ove le Counte demorer adonk seyt il tenuz a restorer le Counte le avandist maner de Lodene, le quel il ad receu de lui avaunt ke il demorat ove altre e ceo a premis par sa fey e sa bone leaute si ceo avient ki Dieu defende.

En temoynance &c. Done a Cestreforde le jor de la Trinite le an du regne le Rey Edward vintime quint.

<sup>1</sup> MS. beaute.



### APPENDIX III

*Bod. Lib. MS. Barlow 49, fol. 57 seqq.*

*'Regule compoti' drawn up by a monk of Beaulieu Abbey  
primarily for the grange of Faringdon in Berkshire.*

SEMELE in anno videlicet in die sancti Michaelis de manerio de termino  
nostro, grangiis, officinis, et camera communiter inscriptis et computacionis.  
per tallias computare solemus. Set quia illa die semper nobis Regula prima.  
non vacat incipere et cum tot et tanta vna die nullatenus pos-  
sent totaliter expediri, cito postea quando vacat incipimus  
computare, et interpolatim vel continue usque dum perfeceri-  
mus, prosequimur illud idem. Ita tamen quod semper in dicto  
compoto illum statum recitamus in quo in die sancti Michaelis  
tunc proximo preterito<sup>1</sup> fuimus, quia in die dicte festiuitatis  
nouas receptiones et nouas expensas facere incipimus anni  
cuiuslibet circulo reuoluto. Ille vero custos vel officialis qui  
compotum suum cicius preparauerit, cicius poterit computare,  
monachus tamen camere post omnes alios computabit. Qui  
eciam monachus camere quater in anno, videlicet in Natali  
domini, Pascha, Natiuitate beati<sup>2</sup> Johannis baptiste, et in dicto  
festo sancti Michaelis antequam generaliter computet, abbati  
vel cui iusserit ipse, statum suum computando demonstrabit.  
Et sciendum quod duas cameras habemus preter illam de qua  
modo facimus mencionem. Vnam videlicet in manerio de  
Farend' cuius curam habet socius custodis dicti manerii, et in  
omnibus habet modum et formam camere abbacie, excepto  
quod nullam facit remanenciam, sicut facit dicta camera abba-  
cie, set quicquid recipit, solet camere abbacie liberare; illud  
vero quod ei debetur, arreragium dicitur, et antequam aliam  
liberacionem faciat dicte camere, dictum arreragium eidem  
camere liberat infra annum. Reliqua vero camera, tertia scili-  
cet, ad differentiam maioris camere minor nuncupatur. Cuius  
noticiam qui scire desiderat, in eiusdem compoti titulo eam  
plene poterit indagare. Custos vero rotulorum qui pro tem-  
pore fuerit debet audire singulis septimanis, scilicet feria  
secunda post missam in yeme et in estate et festiuitate duarum  
missarum tam hyemis quam estatis [*fol. 57<sup>v</sup>*] statim post capitu-  
lum, compotum infirmorum, secular' hospicii, marescallie,  
cellarii, operis, et subcellarie [*sic*] in certo loco presente  
custode ordinis, hoc eidem dicto custode rotulorum suggerente,  
presentibus eciam subcellerar', portar', monacho pistrini, et

<sup>1</sup> MS. preteriti.

<sup>2</sup> MS. beate.

cellarii, conuerso imfirmitor', secular', marescallo et custode hospicii cum aliis prelibatis. Et si aliqua solempnitas in qua fit sermo in capitulo dicta feria secunda euenerit, dictus computus ad terciam feriam transferatur. Quod si aliquis officium in conventu existens eidem compoto presens non fuerit, in proximo sequenti capitulo inde se recognoscat, et pitancia careat ipsa die.

de quibus  
computandum  
est et arrera-  
giis.

Regula secunda.

Omnes custodes maneriorum, grangiarum, et officinarum ita computant de redditibus quos non dum receperunt, et de debitis que pro rebus venditis eisdem debentur, sicuti de tunc iam receptis. Set quia debita que non dum receperunt in compoto suo liberare non poterunt, in arreragiis vel remanencia prout debent remanebunt. Arreragium vero vocatur illa quantitas que de liberacionibus faciendis tunc non dum soluta est, nec soluitur in instanti. Et de primis denariis qui de dictis debitis vel receptis proueniunt, dicte camere per talliam debent solui. Et de dicta solutione arreragii soluti contra dictum custodem camere talliam retinere. Et notandum quod custos camere predictae non respondet in compoto nisi de hiis tantummodo que recepit in pecunia numerata, vel allocacione. Custodes tamen alii et officiales, sicut dictum est, respondent de hiis que de redditibus, rebus venditis, et consimilibus eisdem debentur, antequam precia dictorum receperint, quia custodes et officiales predicti in possessione sunt reddituum sibi debitorum et rerum suarum venditarum, monachus tamen camere non est in possessione nisi illarum rerum tantummodo quas recepit.

de Remanencia  
et liberacione  
in pecunia.

Regula tertia.

Omnes grangie et officiales que partem expensarum suarum recipiunt in pecunia de communi, remanenciam faciunt non liberacionem [fol. 60]. Quia si liberacionem facerent camere de qua partem expensarum suarum recipiunt ut dictum est, custos camere reciperet vnam receptionem non tantum semel, set bis; quod esset inconueniens. Maneria vero et grangie que expensas suas de propriis recepcionibus faciunt, liberacionem faciunt de omni pecunia que ultra necessarias expensas receperint, non remanenciam. Similiter faciunt officiales abbacie, qui possunt et habent vnde, qui nichil recipiunt in pecunia de communi. Faber tamen, custos sutrini, Gernemue,<sup>1</sup> et sal', liberacionem faciunt quando possunt, et nichilominus remanenciam competentem quia certes suas et negocia sibi commissa sine magnis catallis et remanencia commode non poterunt exercere.

<sup>1</sup> The abbey had houses and fisheries in Little Yarmouth.

Excessus est quando aliquis plus expendit quam receperit, de excessibus.  
 et illum excessum in compoto suo tunc proximo futuro soluit Regula quarta.  
 in principio expensarum suarum antequam expensas faciat aut  
 liberacionem. Et vocatur supplusagium tunc in proximo com-  
 poto, sic. In supplusagio extremi compoti, tantum &c.

In regulis tabularum appreciantur certo precio quedam que Rebus apprecia-  
 custodes grangiarum et officinarum a se vicissim recipiunt. tis in tabulis.  
 Illa vero que in dictis tabulis minime appreciantur emunt a se Regula quinta.  
 et sibi vendunt quando indigent prout valent. Aliis vero  
 custodibus maneriorum grangiarum et officinarum que omnes  
 expensas suas preter regularia de propriis receptionibus faciunt,  
 venduntur predicta secundum quod in foro vel alibi possint  
 melius comparari.<sup>1</sup> Prouiso quod illi qui predictas res vendide-  
 rint emptas vel appreciatas carius vel vilius quam eas emerant  
 de lucro vel perda fideliter computare non omittant.

[fol. 60<sup>o</sup>.] Si redditus vel possessiones emamus vel ad firmam de redditibus,  
 capiamus et illi redditus vel possessiones coniungi debeant cum terris, firmis  
 aliquo manerio vel grangia que de propriis receptis faciunt adquirendis et  
 expensas suas, dicti redditus vel possessiones de receptionibus nouis edificiis  
 eiusdem manerii si ad hoc sufficiant debent emi vel ad firmam faciendis.  
 capi. Si vero non sufficiant istud quod deest debet custos [Regula sexta.]  
 manerii a custode camere mutuo recipere, et antequam dictus  
 custos aliquam liberacionem faciat predicto custodi camere,  
 plenarie restituere. Si vero dicti redditus vel possessiones alicui  
 grangie coniungantur que partem expensarum suarum recipit  
 de communi, tunc de forinseco quod de camera recipit, debent  
 emi vel ad firmam capi. Si autem predicti redditus vel  
 possessiones titulum proprium per se habere debeant, custos  
 dicti loci de camera mutuum recipit unde predicta possunt  
 emi vel ad firmam capi, et eciam si necesse fuerit instaurari.  
 Et annis singulis totam receptionem eorundem reddituum vel  
 maneriorum preter expensas necessarias, antequam liberacio-  
 nem aliam faciat, in compoto suo predicto custodi camere  
 soluit, quoadusque dictum mutuum plene fuerit restitutum.  
 Quod si huiusmodi redditus vel possessiones cum manerio de  
 Farendone iungi debeant, custos camere eiusdem manerii  
 precium empicionum secundum quod superius est taxatum, de  
 camera eiusdem manerii mutuabit, et eidem camere de primis  
 receptionibus eiusdem rei empte, restituet mutuatum. De  
 expensis in nauibus emendandis et reparandis et nouis edificiis  
 faciendis, forma superius expressa per omnia teneatur. Excep-  
 to eo quod portario, infirmario pauperum, et custodi hospicii est

<sup>1</sup> MS. comperari.

concessum quod ad sustentacionem domorum suarum calcem et sabulum habeant de custode operis. Et nova edificia facienda in dictis officinis fiant, mediante custode operis de communi.

de allocacionibus.

Regula septima.

Nullus custos maneriorum, grangiarum, vel officinarum tradit vel soluit alicui de concustodibus suis pecuniam pro rebus a quocunque custode vel ab eisdem concustodibus sibi traditis vel venditis, nisi tantum custodibus nauium et Gerne-mue, set omnia debita que sibi adinuicem [*fol. 61*] debentur vel debent inter se equiperando computent, et illud debitum quod remanet per scripta et tallias presentent illis qui compotum audiunt, vt auditores compoti in receptis et solutis eisdem custodibus antequam eorum compotum audiant allocent in instanti. Nec non et debita que debent secularibus vel ab eisdem debentur in scriptis tenentur ostendere auditoribus supradictis. Que allocaciones fieri poterunt isto modo competententer. Videlicet quod monachus custos camere personas tam illorum qui debent, quam illorum quibus debentur, in se debet assumi, ut verbi gratia, custos fabrice debet custodi sutorie xx s. Et sic debentur a fabro dicti viginti solidi sutori. Tunc scribat custos camere in debitis allocacionum que debet, quod debet xx. s. sutori pro fabro, et in debitis allocacionum que eidem monacho debentur, scribat quod faber debet ei xx. s. pro sutore. Et cum dictus custos camere cum dicto fabro computare voluerit, talliam dicti fabri, per quam liberacionem forinsecam ab eodem custode camere receperit de dictis xx. s. quasi eidem fabro liberatis, antequam de camera computet onerabit; similiter cum dictus custos camere sutori computabit, dictos xx. s. soluet predicto sutori, vel si idem sutor eidem dicto monacho camere aliquid debeat, eidem dicto monacho custodi camere dictum debitum usque ad dictos xx. s. in tallia vel aliter minorabit. Vel si idem custos sutori liberacionem faciat, augmentabit. Et sic poterunt allocaciones fieri competententer. Nec aliquis monachus vel conversus mutuum denariorum faciat nec debitum soluat vel recipiat ab aliquo alio monacho vel conuerso, nisi a dicto monacho camere, abbate vel maiori cellerario hoc iubente, et quantitatem mutui exprimente. Allocaciones enim dicimus soluciones que mediante monacho camere inter officiales per pacamentum vicissim computative fiunt sine aliqua pecunia numerata.

de Remanencia camere in pecunia numerata.

Regula octava.

[*fol. 61<sup>v</sup>.*] Si vis scire quid remanet in camera in pecunia numerata, iacta summam tocius remanencie, et adde eidem summe <summam> tocius debiti quod debet dictus custos camere, et tunc subtrahe de eadem totali summa, summam



debitorum que debentur eidem custodi. Et sic patet residuum in dicta camera in pecunia numerata.

Si vis scire valorem maneriorum, grangiarum (et officinarum) de valore maneriorum, grangiarum, et officinarum. que nichil recipiunt de abbacia, set omnes expensas suas faciunt de propriis recepcionibus suis, subtrahe de summa liberacionis Regula nona. facte camere et arreragiis factis in nouis edificiis, et in empcione libertatum, reddituum, et possessionum, expensas que facte sunt pro placitis non propriis eiusdem manerii vel grangie, et regularia si ibi morentur conuersi, que illi qui morantur recipiunt in abbacia. Et quod remanet de dictis liberacione et arreragiis, nouis edificiis factis, et empcionibus libertatum, reddituum, et possessionum, erit valor illius manerii vel grangie. Regularia enim appellantur dictorum conuersorum victualia et indumenta que in abbacia recipiunt. Si vero valorem grangiarum que partem expensarum suarum recipiunt de communi scire desideras, subtrahe de summa valoris omnium liberacionum suarum in abbacia summam omnium receptionum suarum forinsecarum quas de abbacia recipit, et illud quod conuersi ibidem comorantes ad abbatiam remanentes expendunt, et in regularibus recipiunt. Et sic est summa remanens valor illius grangie. Si vero nichil remanserit set plus expendit, tunc excedit. Si autem velis scire expensas illarum officinarum que de proprio parum aut nichil recipiunt considerabis per rotulos quantum recipiunt, quia fere heedem sunt receptiones et expense, ut furnus, bracinum, et quedam alie.

Pullani equorum primo compoto postquam nati sunt pullani vocantur, secundo compoto vocantur superannales, de differentia status animalium. tercio compoto vocantur affri. Quarto compoto coniunguntur masculi cum masculis, fe-[*fol. 62*]-melle cum femellis, et efficiuntur equi vel eque. Regula decima.

Vituli primo compoto postquam nati sunt vituli vocantur, secundo compoto annales vocantur, tercio compoto boveculi vocantur, quarto compoto boveci vocantur. Et coniunguntur boues cum bobus, tauri cum tauris, vacce cum vaccis.

Agni primo c. postquam nati sunt agni vocantur, secundo c. hoggastri vocantur, et coniunguntur multones cum multonibus, hurtardi cum hurtardis et femelle cum ovibus.

Porcelli primo c. postquam nati sunt porcelli vocantur, secundo c. hoggi vocantur, et coniunguntur porci cum porcis, verres cum verris, femelle cum suibus, et extunc porci et sues efficiuntur.

Set notandum quod omnia ista genera animalium non

secundum prelibatum ordinem set primo a senioribus, videlicet equi ante pullanos, boves et vacce ante vitulos, oves ante agnos, porci ante porcellos retrograde computantur.

de forinseco  
cognoscendo et  
faciendo.  
Regula  
undecima.

Ad forinsecum cognoscendum et faciendum subscripte officine debent diligenter perscrutari, primo camera scilicet quantum de ea in denariis receperit et postea quantum de minori camera, lardar', custode salis, custode operis, sutoria, vestiar', pellipar', cellar', fabrica, granar', pistrino, in rebus appreciatitis. Ille vero res quas custodes grangiarum vel officinarum a se ab inuicem recipiunt, de quibus recipientes exitum faciunt, non recipiunt illas in forinseco, quia si ille res in forinseco acciperentur, bis easdem reciperent quod esset oppositum rationi. Et quia grave esset inquirere per singulas tabulas precia omnia appreciatorum in subsequenti tabula breuiter annotata sunt omnia in aliis tabulis contenta necessaria ad forinsecum faciendum. Est autem forinsecum quicquid officialis quilibet aliunde recipit quam a propria receptione officii sui, et quicquid expendit in aliis usibus quam sui officii memorati.

*Fol. 89<sup>v</sup>*

Pensio. In pensione annuali Templar' Lond' pro toto manerio xiijs. iiij*d*.

Summa eadem.

Summa tocius expens' xviiij. *li*. viij. *d*. ob.

Et r[ . . . ] vi. *d*.

Camera manerii de Farendone. Fr. B. custos camere manerii de Farendone reddit comp. suum &c.

Arreragia propria. Idem reddit compotum de vi. *li*. vi. *s*. ob. de arreragiis anni preteriti. Soluit custodi camere abbacie totum.

Et quietus est.

Arreragia manerii. Idem reddit compotum de vi. den. de arreragiis de Sulftone. Et de iij. *s*. de arreragiis Parue Farendone. Et de x. *s*. vi. *d*. de arreragiis de Inglesham. Et de iij. *s*. de arreragiis de Kyndelwere. Et de xl. *s* vi. *d*. de arr' Magne Farendone. Et de v. *s*. vj. *d*. de arr' de Westbrock. Et de xl. *s*. de arr' de Cok.

Summa ciij. *s*. vj. *d*.

Recepta manerii de Farendone. Idem r.c. de xv. *s*. vj. *d*. ob. recept. de custode de F. Et de xxv. *li*. xv. *s*. vi. *d*. ob. de Inglesham. Et de xj. *li*. iij. *s*. vj. den. de Kyndelvere. Et de xlv. *li*. x. *s*. vi. den. ob. de Wike. Et de xxi. *li*. vj. *s*. ij. *d*. de Cok.

Summa clxvj. *li*. xv. *s*. vj. *d*. ob. q.

Idem r.c. de lj. s. de redditu de Heilescumbe. Et de ij. s. de redditu de Warrentinge. Et de iiij. s. de redditu Oxonie. Recepta forinseca.  
 Summa tocius recepte. clxxij. li. xvj. s. i. den. ob.

*MS. Barlow 49, fol. 89*

The last account is:

Fr. M. custos manerii reddit compotum suum &c. Custos manerii de Farendone.

Idem reddit comp. de iii. s. vi. d. rem. anni preteriti. Remanencia.  
 Summa eadem.

Idem reddit comp. de xviiij. li. v. s. viij. d. ob. rem' de custode camere eiusdem manerii. Recepta forinseca.

Summa eadem.

Summa tocius recepte, cum remanencia. xviiij. li.  
 ix. s. ij. den. ob.

In cursoribus ad diuersa loca pro negociis diuersis per annum missis, xvi. s. viij. d. In panno ad dand' empto xxiiij. s. viij. d. ob. In botis et sotular' ad idem empt. xvj. s. vi. d. In diuersis minutis datis per annum v. s. vi. d. In expensis ipsorum mon' et conuers' ad abbaciam euncium per annum, et convers' ante autumpnum et post ad abbatiam conducend', xxv. s. vij. d. In stipend' eosdem [*sic*] mon. per annum ix. s. vj. d. Expns. necc.

Summa iiij. li. vij. s. iiij. d. ob.

In expensis domini regis et exhenniis eidem factis apud Farendone. c. s. vi. d. In expensis domine regine ibidem pernoctantis, et exhenniis eidem factis. lxxv. s. In expensis domini Edwardi ibidem pernoctantis et exhenniis eidem factis. l. s. vi. d. In expensis domini B.<sup>1</sup> de Mortuo Mari ibidem. iiij. s. In diversis expensis apud Lond' et alibi pro diversis negociis eiusdem manerii prosequendis. xxx. s. Expns. forinseca.

Summa xiiij. li.

In liberacione custodi eiusdem manerii. xviiij. li. v. s. viij. den. ob. Custodi camere abbacie. cliij. li. ij. s. ij. den. ob. Liberacio.

Summa tocius liberacionis. clxx. li. viij. s. q.  
 Et debet. xlviij. s. i. den. q.

Memorandum quod istud manerium valet hoc anno in vniuerso cliij. li. x. s. iiij. den. ob. q. preter placita quorum

<sup>1</sup> I cannot find any B. de M. It must be R.

summa talis est, videlicet xlvj. s. viij. den. et regularia quatuor conuersorum ibidem per annum existencium, scilicet xxxvj. s. vij. den. et preter. sex li. xiiij. s. iiij. d. propter crebros adventus eorundem ad abbatiam per annum computat', et sic valet de claro. cxliij. li. xiiij. s. ix. den. ob. q.

Followed by [fol. 90] 'Tabula quantitatis merced' mercenariorum'.



## APPENDIX IV

### *Wardrobers of the Lord Edward*

- 1255-58-62. Ralph le Dunjon from at least 18 February 1255<sup>1</sup> and on 14 November 1258.<sup>2</sup> He is the senior Wardrober or Treasurer<sup>3</sup> and is the senior clerk in a charter of Edward dated 1262.
1260. John le Bretun (bishop of Hereford 1269, *d.* 1275) is called Treasurer in 1260,<sup>4</sup> but is described as Steward in 1261.<sup>5</sup> From 1254 to 1267 he acted much for Edward in Wales and the Marches and in the latter year was appointed a justice to hear pleas under the *Dictum*.<sup>6</sup> His work as Treasurer (if the term is not an error) may have been in the absence of Ralph le Dunjon. He is *custos garderobe* in a charter of Edward dated 29 May 1251.<sup>7</sup>
- 1265-70. Laurence of Lovershall was probably keeper of the Wardrobe.<sup>8</sup> He went on crusade with Edward and was replaced by Philip de Willoughby<sup>9</sup> 'partial accounts of whom go back to 1269-70'.<sup>10</sup> He continued in office when Edward became king.<sup>11</sup>

<sup>1</sup> *R.G.* 4380. He occurs often in the Estates' Account roll of 1256-7.

<sup>2</sup> *C.P.R.*, p. 6. As canon of St. Paul's he was granted the houses late of Peter de Rivaux (*ibid.*, p. 238-10 Jan. 1263). 28 October 1263 he is ambassador to France (*ibid.*, p. 294). He had already been long in Edward's service in August 1254 (*ibid.*, p. 316).

<sup>3</sup> On 1 July 1255 he received 3,600 marks, being all the issues of Ireland, in Gascony (*R.G.* 4643, *cf.* 4490, 4518). Two benefices for him are mentioned, *C.P.R.* (1247-58), pp. 364, 393.

<sup>4</sup> *R.G.* I. ii. xci.

<sup>5</sup> *C.P.R.*, p. 191.

<sup>6</sup> *Misc. Inq.* nos. 198, 205, 354. He was constable of Abergavenny in 1256-7 (Accounts), *cf.* *C.P.R.* (1259), p. 45.

<sup>7</sup> Earwaker, *East Cheshire*, ii. 460, with facsimile.

<sup>8</sup> *C.P.R.* (1279-88), p. 224.

<sup>9</sup> Tout, ii. 5.

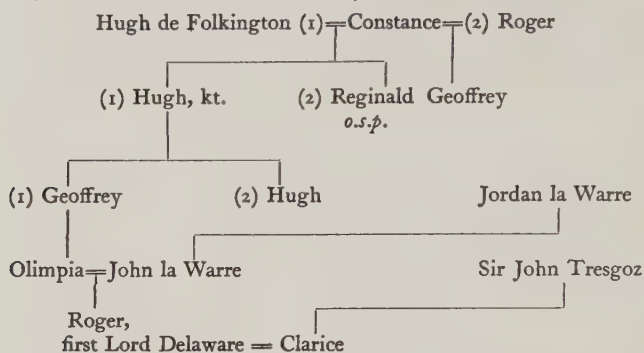
<sup>10</sup> *Ibid.*, without ref.

<sup>11</sup> For details and references to crusading accounts see Tout, ii. 5-6.

## APPENDIX V

### *The Delaware Pedigree* (see p. 75)

G. E. C., new ed., *s.v.* Delaware, may be elaborated thus:



This portion of the Delaware tree, not known to Farrer (*Fees*, iii. 354), is derived from A.R. 233, m. 6d. In the case there found against John and Olimpia his wife (in 1256) for land of her inheritance, as she asserted, in Leaden Roding, of the Warenne fee in Essex, this pedigree was produced. John had been born before 1227 and was alive in May 1277 (A. R. 911, m. 1 d.). His tenure of Whitchurch is not clear, as Isabella de Fortibus had it again from 1275 until at least 1282, but Sir Roger de la Ware held it in 1294 (*Cal. I.P.M.* iii. 91). Conceivably another manor had been created. The Jordan la Warre who was constable of Lymington in 1272-3 was probably a younger brother of John. Contrary to Round's suggestion, a *de* was often inserted in the thirteenth century, though the fact that it was sometimes erased shows that it was recognized as an erroneous form.

## APPENDIX VI

### *Deputy Chamberlains of the Exchequer*

THE following presentations of deputies to act as Chamberlains of the Exchequer bear upon Isabella's tenure of that office:

1. 1265. Ralph de Stratton, presented by Hervey de Borham and Adam de Stratton, to hold office during pleasure. (L.T.R.M.R., no. 39, m. 1.)
2. 1267, Oct. 15. Ralph de Bray presented by Isabella [to the Exchequer of Audit]. (K.R.M.R. no. 43, m. 2.) [Adam de Stratton is mentioned this year as a chamberlain of the Receipt. K.R.M.R. 41, m. 13 d.]
3. 1269, Nov. 19. Walter de Rumbridge, presented by Isabella, to hold office during pleasure. (K.R.M.R. no. 44, m. 3.)
4. 1273, June 19. William de Cotton, presented by John (de) la Warre, steward of Isabella, and by her letters patent and the King's writ, to hold office until Michaelmas. (L.T.R.M.R., no. 46, 8 d.)
5. 1273, Dec. 26. (i) The same, by Isabella in person, to the Exchequer of Audit. He was still in office in September, 1275.  
(ii) Adam de Stratton, presented by Isabella in person to the Exchequer of Receipt. (L.T.R.M.R., no. 47, m. 7 d.)
6. 1276, Nov. 4. Isabella enfeoffed Adam de Stratton with the office.

The other Chamberlainship was held by the Earls of Warwick, as attached to the manor of Hartley Mauduit, co. Hants.<sup>1</sup> From the list of presentations and from the examples noted by Madox<sup>2</sup> it is clear that the office had changed its character since Henry II's day. Each chamberlain had two deputies, one in the Great Exchequer or Exchequer of Audit, the other in the Exchequer of Receipt. Emphasis is laid in the *Dialogus*<sup>3</sup> on the fact that the Chamberlains were laymen, and knights. They were sergeants, and so accounted by tallies and not in writing. In 1225 it is clear from a list of fees that they were still knights.<sup>4</sup> The change was evidently taking place about 1241 when Margaret de Redvers was permitted to present a deputy although he was not a knight.<sup>5</sup> But in 1248 William Mauduit was allowed to

<sup>1</sup> *I.P.M.* Henry III, no. 679 (1268), and cf. *ibid.*, p. 105. For the earlier history of both chamberlainships see the *Dialogus de Scaccario*, ed. Hughes, Crump, and Johnson (Oxford, 1902), pp. 20-1.

<sup>2</sup> *History of the Exchequer*, pp. 732 ff.

<sup>3</sup> Oxford edition, p. 18.

<sup>4</sup> R. L. Poole, *The Exchequer in the Twelfth Century*.

<sup>5</sup> Madox, *op. cit.*, p. 732, note (x).

present as deputy a 'certain knight'.<sup>1</sup> From Earl William's *I.P.M.*<sup>2</sup> we learn that 'he used to have a *clerk* [at the Exchequer] continually, to whom he gave 100s. a year at least'. And finally in the list just given we have only trained officials: Walter de Rumbridge, one of the chamberlains of Isabella's household; Ralph de Bray, her constable of Carisbrooke and confidential clerk; William de Cotton, and Adam de Stratton.<sup>3</sup>

Though Isabella enfeoffed Adam de Stratton with the Chamberlainship she continued to sue in the Exchequer of Pleas as *quondam camerarius*.

For the rolls and books in the charge of the Chamberlains reference may be made to Palgrave's Introduction to the *Ancient Kalendars of the Exchequer* and the Introduction to the Oxford edition of the *Dialogus*.

<sup>1</sup> Madox, *ibid.*, note (w).

<sup>2</sup> *I.P.M.*, loc. cit.

<sup>3</sup> In the examples given by Madox (loc. cit.) none of the deputies after 1250 is named as a knight.



## ADDENDA

### *For page 10.*

Edward did, however, make use of the royal Exchequer in a way which would have been impossible, or very difficult, for lesser people, by appointing the Treasurer as one of his auditors, and by using the machinery of the Exchequer to collect his debts (*Close Rolls*, 1261-4, pp. 170-1).

The grant of the Jewry was made in return for a demise of a large part of his estates—all except Chester, Ireland, and Gascony (*C.P.R.*, 1258-66, p. 233, which explains a number of obscure passages in *Close Rolls*, 1261-4, e.g. p. 155). I am indebted to Professor F. M. Powicke for these references to the *Close Rolls*, which were not in print when I wrote.

### *For page 56.*

The contracts examined are for Louth Park in 1275 (*C.Cl.R.*, 1272-9, p. 321): Dernhale in 1276 (*ib.* 254): Fountains in 1276, 1280, 1284, and 1287 (*Memorials of Fountains*, ed. J. R. Walbran, i, 177; *C.Cl.R.*, 1272-9, p. 354; *L.T.R.M.R.*, no. 53, m. 11; Pagnini, *Della Decime*, ii. 324-7; *L.T.R.M.R.*, no. 60, m. 14 d.): Welbeck in 1278 (*L.T.R.M.R.*, no 52, ms. 10, 10 d.): Meaux in 1278 and 1280 (*Select Cases in the Exchequer of Pleas*, Selden Soc., pp. 93-4; *L.T.R.M.R.*, no. 53, m. 12 d.): Cumbremere in 1279 (*L.T.R.M.R.*, no. 52, m. 13): Westacre in 1280 (*L.T.R.M.R.*, no. 53, m. 11 d.): St. Swithun's, Winchester, in 1285 (*ib.*, no. 58, m. 18 d., cf. 55, ms. 17, 22, and 57, m. 8 d.): Rievaulx in 1287 and 1288 (*ib.*, no. 59, m. 19 d., and 60, m. 14 d.): Pipewell in 1288 and 1290 (*ib.*, no. 62, ms. 4, 14, cf. *C.Cl.R.*, 1288-96, pp. 192-5): Kirkstall in 1292 (*Kirkstall Coucher*, Thoresby Soc., p. xxiii).

### *For page 94.*

The barony of Shelford extended over five counties (*Cal. I.P.M.* ii, pp. 225, 468).

### *For page 167.*

This copy was made by Dugdale in 1640 from the original in the possession of William le Neve. Since it was printed I have learnt that another transcript was made a little later for Sir Christopher Hatton's Book of Seals. By the kindness of Mr. R. C. Loyd, who is at work upon the Book of Seals, and Professor F. M. Powicke, I have been allowed to collate the two copies, but the variants are insignificant.

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